SOUTH AFRICA.

4

PAPERS

RELATING TO

CERTAIN LEGISLATION

OF THE

LATE SOUTH AFRICAN REPUBLIC AFFECTING

NATIVES.

Presented to both Houses of Parliament by Command of His Majesty.
July, 1901.

Bx. K 2

LONDON:
PRINTED FOR HIS MAJESTY'S STATIONERY OFFICE,
By DARLING & SON, Ltd., 34-40, Bacon Street, E.

And to be purchased, either directly or through any Bookseller, from
EYRE & SPOTTISWOODE, East Harding Street, Fleet Street, E.C.,
and 32, Abingdon Street, Westminster, S.W.;
or OLIVER & BOYD, Edinburgh;
or E. PONSONBY, 116, Grafton Street, Dublin.

1901.

[Cd. 714.] *Price* 1*s*.

LIST OF PAPERS.

No	Document.	Date.	Page.
1	Gold Law, No. 15 of 1898	October 7, 1898	3
2	Native Pass Law, No. 23 of 1899	January 31, 1899	39
3	Despatch to High Commissioner Sir Alfred Milner	March 22, 1901	47
4	Despatch from High Commissioner Sir Alfred Milner.	April 19, 1901 (Rec. May 10.)	47
5	Despatch from High Commissioner Lord Kitchener	May 17, 1901 (Rec. June 10.)	51
6	Telegram to High Commissioner Lord Kitchener...	July 5, 1901	52
7	Ditto	July 9, 1901	52
8	Despatch from High Commissioner Lord Kitchener to Mr. Chamberlain.	June 28, 1901 (Rec. July 20.)	52
9	Telegram from the Legal Adviser to the Administrator of the Transvaal.	July 25, 1901 (Rec. July 25.)	53
	APPENDIX.		
	Trinidad Immigration Ordinance No. 19 of 1899 ...	July 17, 1899	55

Digitized with financial assistance from

Shri Brihad Bhartiya Samaj

on 31 October, 2019

SOUTH AFRICA.

PAPERS

RELATING TO

CERTAIN LEGISLATION

OF THE

LATE SOUTH AFRICAN REPUBLIC AFFECTING NATIVES.

No. I.

LAW No. 15, 1898.

THE GOLD LAW OF THE SOUTH AFRICAN REPUBLIC.

On the digging for and dealing in Precious Metals.

Amended and approved by the Second Volksraad, by Art. 1,211 of its minutes, dated 16th September, 1898, and amended and approved by the First Volksraad by Art. 1,402, dated 6th October, 1898.

CHAPTER I.

General Provisions.

1. The right of mining for and disposing of all precious metals shall belong to the State. — Disposal of precious stones, &c.

2. This Law shall be applicable to gold, and further to silver and quicksilver, if the latter are found as pure metal, and to such other precious metals as the State President, with the advice and consent of the Executive Council, with reference to this Article of this Law, shall make known. — This Law applicable to gold, &c.

3. The term "public diggings" shall signify a proclaimed area, thrown open by lawful authority for prospecting, digging and mining. — Public diggings.

The word "claim" shall signify either that portion of the field on which a person or persons or companies has or have lawfully obtained the right to dig or to prospect, or the right to dig or prospect on such a piece of land. — Claim.

"Private land" shall signify the ground belonging to private persons or companies, as shown by the title deed or deed of transfer. — Private land.

"Government land" shall signify all land belonging to the State. — Government land.

The term "coloured person" shall signify any African, Asiatic, Native or coloured American person, Coolie or Chinamen. — Coloured person.

"Unwrought gold" or "unwrought precious metal" shall signify gold or precious metal in any form or connection whatsoever, which, although smelted, is not manufactured or made up into any article of commerce. It shall include also unrefined precious metal, under which, therefore shall also be comprised amalgam, slimes and scrapings. — Unwrought gold.

"Gold ore" shall signify all auriferous ores, including concentrates, tailings and slimes. — Gold ore.

"Stand township" shall be taken to mean every area of land situated on a proclaimed diggings or on land proclaimed for the purpose of stands, which has been either wholly — Stand township.

9627—875—7/1901 Wt 11660 G 245 D & S . 5

or in part, surveyed for stands by a Government land surveyor, and has been proclaimed as such or been approved by the Government.

Prospecting. "Prospecting" shall be taken to mean the doing of all work which is necessary for the express search of the precious metals mentioned in Art. 2, or which has in view the testing of the nature of the precious metals and mineral deposits, and the minerals present therein, which have been found.

Digging or mining. "Digging" or "mining" shall be taken to mean the intentional extraction of the precious metal mentioned in Art. 2, including all work necessary for the purpose, irrespective of whether such extraction is effected by underground mining works, open cuttings, boring or otherwise.

Words to be understood in the sense in which they are ordinarily used. Further, all words shall be understood in the sense in which they are ordinarily used.

Powers of State. President to draw up regulations. **4.** The State President shall have the power, with the advice and consent of the Executive Council, to make rules and regulations, whether general or special (for instance, for one or more fields), for the regulation of matters mentioned in this Law or connected therewith, provided they are not in conflict with this Law.

The rules and regulations mentioned in this Article shall also include provisions for penalties and taxes. These rules and regulations shall have the force of law from the date of publication in the *Staatscourant*; they shall be laid before the Volksraad at the first ensuing session.

Special rules and regulations shall take effect on every proclaimed field immediately after proclamation in the *Staatscourant*.

Alterations and additions. The State President shall have the power, with the advice and consent of the Executive Council, to make any alterations in or additions to the said special rules upon the proposal of the Mining Commissioner, in consultation with the head of the Mining Department.

Such alterations or amendments shall take effect fourteen days after publication in the *Staatscourant*.

Expropriation on payment of compensation. **5.** Whenever it may be found necessary in the general interest for public purposes, to take away, wholly or in part, rights once granted, the Government shall have the right to do so on payment of compensation to be mutually agreed upon between the interested parties and the Government.

Arbitration. In the event of such an agreement being impossible, the amount of compensation shall be fixed by way of arbitration by one or more persons appointed by both sides, subject to a reference to an umpire chosen by the arbitrators, and named beforehand, who, if the arbitrators cannot agree on one or more points in dispute, shall decide upon such points.

Imprisonment on default of payment of fine. **6.** When, according to this Law a sentence of a money fine is imposed, such fine shall be replaced by imprisonment on default of payment. The duration of this imprisonment shall be fixed when judgment is given, as far as possible in proportion to the fine inflicted, with this proviso, however, that such imprisonment may not exceed a period of one month, in case the fine inflicted amounts to £5 or less, of three months if the fine amounts to from £5 to £20; of six months if the fine amounts to from £20 to £100; and of one year if the fine amounts to more than £100. It may be decided when judgment is given that such imprisonment shall be coupled with hard labour.

Chapter II.

The Department of Mines.

Head of the mining department. **7.** There shall be a department of mines in this Republic. At the head of this department shall be someone with the title of Head of the Mining Department, who shall, at the same time, possess the qualifications laid down in the Grondwet, and shall be responsible according to the instructions framed by the Volksraad.

The Head of the Mining Department shall be assisted by properly qualified experts, to be appointed by the Government in consultation with the Head of the Mining Department, with the titles of State Mining Engineer and State Geologist respectively, whose duty and responsibility are described in the instructions laid down by the Volksraad. State mining engineer and state geologist.

The State Mining Engineer shall be assisted by properly qualified experts on the diggings.

8. The Government shall have the right, from time to time, to appoint one or more commissions of trustworthy and competent persons to investigate any question relating to mines, and to report to it thereon. Commissions, appointment of.

9. For each proclaimed field a competent person shall be appointed, if necessary, by the Government in consultation with the head of the mining department, as Mining Commissioner. Mining commissioner.

The Government shall, moreover, have the right to appoint, if necessary, for every proclaimed field, a special judicial official, with the title of Special Landdrost, with criminal and civil jurisdiction equivalent to that of the Landdrost. Special Landdrost.

On the appointment of such judicial official the boundaries within which he shall have jurisdiction shall be accurately defined by the Government. Within these boundaries the Landdrost of the district concerned shall no longer have criminal and civil jurisdiction. Limits of jurisdiction.

In the exercise of jurisdiction by the Special Landdrost the Laws and customs in use in Landdrost Courts shall be applied. The same rules shall also apply with regard to appeals to a higher Court. This Special Landdrost shall have, within the boundaries of the field over which he has jurisdiction, the same powers with regard to marriages as are given to a Landdrost by the Marriage Ordinance. Laws and customs applicable. Appeals. Powers with regard to marriages.

The Government shall also have the right to appoint besides the Special Landdrost, other judicial officials with the jurisdiction of a Landdrost in criminal and civil cases and power to hold preparatory examinations, and further to lay down instructions for such officials. Other judicial officials.

10. The Mining Commissioner shall be given a clerk who, if there be no Special Landdrost, shall also be Public Prosecutor and Registrar of the Lower Court. Mining commissioner's clerk.

11. If required, the Government shall assign one or more clerks to the department of the Mining Commissioner. Further clerks.

12. The Government shall have the power, if necessary, to appoint one or more Claim Inspectors for each field, and to make such regulations with regard to their duties as it may deem necessary. Claim inspectors.

13. The Mining Commissioner shall be the head and have the supervision of the field over which he is appointed. He shall also be vested with the power to regulate and manage all matters relative to the diggings in accordance with this Law and all regulations which, by virtue of this Law, may be published by the Government. Powers of mining commissioner.

He shall also pay attention to the grievances of the diggers, and do all that may conduce to the general interest, to the furtherance of the prosperity of the diggings and of the sanitary condition of the population there; he shall determine the places where digging and prospecting shall be forbidden, intended for the keeping open of roads, under which are also included roads or ways from the claims to the batteries, and places suitable for water rights, and such other places as instructions shall be given about by the Government from time to time, and no one shall be allowed to peg off such land or to prospect or dig thereon, under penalty, in case of contravention, of a fine of £100, or six months' imprisonment with hard labour, to be inflicted by a competent Court. When digging prohibited.

He shall regulate the issue of stand licences, and point out the places where building may or may not take place.

Where, however, more than five stands would adjoin, or be near each other, he shall first obtain the consent of the Government, through the head of the mining department, before issuing licences for stands in excess of that number. Where more than five stands adjoin

Collection of personal taxes.

The Government shall have the power to depute to him, or another person under him, the collection of direct taxes within the boundaries of his field, under such regulations as the Government, after consultation with the head of the mining department, shall deem necessary to make.

Jurisdiction.

In case no special Landdrost has been appointed, he shall have criminal and civil jurisdiction equal to that of the Landdrost.

Ex-officio justice of the peace.

He shall, *ex-officio*, be a Justice of the Peace for the whole Republic.

Laws and customs applicable.

With regard to the exercise of civil and criminal jurisdiction by the Mining Commissioner, the laws and customs in use in Landdrosts' Courts shall apply.

Appeal.

Also with regard to appeal to a higher court the same regulations shall apply.

Powers with regard to marriages.

In case no special Landdrost has been appointed the Mining Commissioner shall have the same powers with regard to marriages, within the boundaries of the field over which he is appointed, as are granted to a Landdrost by the marriage Ordinance.

Limits of mining commissioner's jurisdiction.

14. The land reserved, according to Art. 30, for houses, buildings, water furrows, gardens or arable lands, as also that under Art. 25, for "mynpachts," and further, all pieces of land which are wholly enclosed by a public diggings, shall be under the jurisdiction of the Mining Commissioner, and, if there be such, of the judicial officials of such diggings.

Landdrost of the district.

The Government shall have the right, by proclamation, to bring under the jurisdiction of the officials on the public diggings, farms, or portions of land adjoining such public diggings or situated in the neighbourhood thereof, and shall also have right to direct, by proclamation, that unproclaimed private land, which is entirely enclosed by a public diggings, be brought under the jurisdiction of the Landdrost of the district.

Legal practitioners.

15. All admitted advocates, attorneys, notaries, agents, conveyancers and sworn translators, who, according to the law of the land, are entitled to practise in the Civil Courts of the country and to follow their profession, shall be admitted to practise on these fields. The tariff of licences required for the exercise of any one of these professions on the fields shall be according to law. No unadmitted and unlicensed person shall have the right to conduct cases in any court for others, or to carry on the business falling under the professions of the aforesaid practitioners. Any person shall, however, be entitled, should he so desire, to conduct his case in person before a court on the fields, or to transfer in person any stand, claim, or any portion thereof, or otherwise, being his lawful property. He shall not, however, have the right to draw up bills of costs for the defence of his case, or to claim costs for any deed of cession or transfer, except for witness expenses, court fees, summons, or stamp dues.

Licences.

Any person may appear in person.

Bills of costs.

Appeal from mining commissioner.

16. There shall be an appeal from the judgment of the Mining Commissioner, or of the special Landdrost or other judicial officials, if there be such, to the Circuit Court, the Judge sitting in chambers at Pretoria, or the High Court.

Revenue and expenditure.

17. The Mining Commissioner shall keep proper account of all revenue and expenditure. He shall also keep proper registers of all licences and rights granted by him to persons or partnerships, and such other registers as the Head of the Mining Department shall from time to time prescribe.

Registers.

Inspection of.

The public shall be allowed to inspect these registers, but the person concerned shall previously intimate upon what matter information is desired. The sum of 1s. 6d. shall be paid for each inspection. In the case of written information an amount of 5s. shall be paid in each case, consisting of stamps, which shall be affixed to the document and cancelled.

Responsible clerk.

18. The Government shall, after consultation with the Head of the Mining Department, on such fields as it may deem desirable and necessary, appoint one or more clerks of the Mining Department on such fields as responsible clerk or clerks.

Stands for.

The Government, after consultation with the Head of the Mining Department, shall have the right to assign to such responsible clerks separate stands on different portions of the proclaimed field. The responsibility of the Mining Commissioner shall remain

unaffected by the responsibility of such a clerk serving in the head office of the Mining Commissioner himself.

A responsible clerk may issue all licences falling within his department and may also receive transfer dues, auction dues, fines, market dues, rents and other special revenue, and may also perform such other work as shall from to time be given him to do by the Mining Commissioner. May issue licences.

Licences signed and issued by such a clerk shall confer the same rights as if they had been signed and issued by the Mining Commissioner himself.

Responsible clerks, having their own department, shall keep proper registers of all licenses issued by them, and shall, as soon as possible, deposit with the Mining Commissioner all moneys received by them, and within four days after the end of each month send in their returns and monthly statements to the Mining Commissioner. Shall keep registers. Monthly statements.

The Government shall have the right to invest such responsible clerk with the power and jurisdiction of a resident Justice of the Peace within such boundaries as the Government may determine. Jurisdiction of.

19. The Mining Commissioners and responsible clerks shall pay strict attention to the following :— Duty of Mining Commissioners and responsible clerk.

(*a.*) That no person shall follow any calling or trade, dig or prospect, without proper license. Licenses.

(*b.*) That their clerk or clerks keep proper records and minutes of all cases dealt with or decided in their court, and that their subaltern and subordinate officials fulfil their duties and render account of everything deputed to them, or of moneys entrusted to them. Records.

(*c.*) That all Government offices, buildings, and other Government property, with the exception of prisons and police offices, are kept in good order. In places where a permanent official is appointed under the Department of Public Works, this duty shall be entrusted to the said official. Government property.

(*d.*) That the stamp and transfer dues owing to the Government on all transfers of claims and stands are properly paid. Stamp and transfer dues.

(*e.*) That all fees or moneys due to the State according to this law, or later laws and regulations, are promptly paid, and that all official documents are subject to stamp duty. Fees.

(*f.*) All fines and court fees received at the office of the judicial officials shall be deposited with the Mining Commissioners monthly on or before the 4th day of each month, together with a specified statement of the persons fined. Fines and fees, deposit of.

20. The same oath shall be required from a Mining Commissioner as from a Landdrost. All officials, on whatever diggings appointed, shall be properly sworn in upon taking up their positions. Oath.

21. The Head of the Mining Department and the officials of his department, as well as Special Landdrosts, Assistant Landdrosts, Judicial Commissioners, and the officials of their departments, as well as their wives, whether married in community of property or not, shall not be permitted to hold claims, directly or indirectly, on a proclaimed field ; or to carry on any business, or conduct any kind of agency whatever, or to have any share in a mining company or syndicate or partnership relating to mining matters. Officials not allowed to hold claims.

Landdrosts, head officials and their subordinates, shall also be prohibited from being connected with a mining company as directors, advisers, controllers, or officials. Should it be found that the above-mentioned officials contravene the provisions contained in this Article, they may, according to the nature of the case, be fined, suspended from office by the Government for a certain time, or dismissed. May not be directors, &c. Penalty.

Chapter III.

Prospecting, Digging, and Mining.

§ 1. Prospecting by or with Permission of the Owner.

Owner may prospect without licence.

22. Every landowner shall be at liberty (after giving notice of his intention to the Landdrost of his district, or the nearest Mining Commissioner or responsible clerk) to prospect for precious metals within the boundaries of his property without licence, and for that purpose to employ, besides coloured persons, not more than four white persons drawing wages, and, under conditions hereinafter prescribed, to exploit mines on his land, or cause the same to be exploited. No one, except the State President, with the advice and consent of the Executive Council, shall be allowed to throw open land to the public as public diggings.

No one but President can throw open land as public diggings.

Investigation *re* prospecting.

The Government shall always have the right to cause investigation to be made concerning the prospecting. On the discovery of precious metals on private land, the owner shall be obliged within seven days after the discovery, to give notice thereof to the nearest Mining Commissioner, responsible clerk, or Landdrost, as well as of the particulars thereof, under penalty of a fine not exceeding £5 on neglecting to do so.

Notice of discovery of precious metals.

Written permission from owner to prospect.

23. Anyone having written permission* from the owner of a private farm or piece of land to prospect on his property, shall be able to obtain the requisite prospecting licence, on payment of the licence moneys, from the Landdrost of the district where he desires to prospect, or from such other officials as may be appointed by the Government, for the period mentioned in such written permit, but not to exceed six months.

When, however, the said permit is granted for a period longer than six months, the Landdrost, or such other official as shall be appointed by the Government, shall, after the expiration of the first six months, have the right, after proper investigation, to extend the term for which the licence was granted from time to time, in accordance with the permit, such extension to be always for the period of six months.

§ 2. Decision as to Payableness.

State Mining Engineer judge as to payableness.

24. The State Mining Engineer, or such other experts nominated by him deputed by the head of the mining department, either separately or in commission, shall be the competent judges of the payableness of precious metals.

§ 3. Exploitation under Mynpacht or Concession.

Owner must obtain "mynpacht-brief."

25. The owner of a farm or piece of land, upon which precious metals have been found by the owner himself, or in accordance with Art. 23 by a prospector, who desires to possess the right to open and exploit mines on such farm or piece of land, must be in possession of a "mynpacht-brief," to be obtained from the Government. A tenth portion of the private land or farms of which notice of throwing open as public diggings has been published, as laid down in Art. 38, shall be granted under "mynpacht-brief."

In surveying land for "mynpacht-brieven" the reef shall not be taken lengthwise only, but the proportion of breadth to length shall be, at the highest, as one to two.

Government cannot refuse "mynpacht."

In no case shall the Government have the right to refuse a "mynpacht," even should the Government decide not to proclaim the land as a public diggings.

Duration of "mynpacht-brief."

Renewal.

26. The "mynpacht-brief" referred to in Art. 25 shall be issued for a period of not less than five and not more than twenty years. The holder of such "mynpacht-brief" shall, however, be at liberty to renew such "mynpacht" from time to time, for a period of another twenty years, or less, subject to the conditions of the then existing law. This right of renewal shall also be given to holders of "mynpachts" already granted, after the expiration of the period for which the "mynpacht-brief" was granted.

10s. per morgen.

The sum of 10s. per morgen per annum shall be paid on the "mynpacht-brief," payable in advance to the official under whose administration the "mynpacht" is

---

* Vergunning.

situated, while the holder of such "mynpacht-brief" shall be subject to the following conditions :—

(1.) He shall keep proper accounts of all finds, and use such forms in doing so as the Government may deem it necessary to prescribe. Account of all finds.

(2.) Inspection of the books shall at all times have to be granted to the Mining Commisssioner or official under whose administration the "mynpacht" is situated, or to any other official appointed for that purpose. Inspection of books.

(3.) The Government shall always have the right, instead of the payment of 10s. per morgen, to claim payment of 2½ per cent. of the gross income during the past year, as shown by the books or other vouchers. 2½ per cent. of gross income.

"Gross income" shall be taken to mean the average market value on the mining area of the amount of all the worked marketable products and unworked marketable products obtained by mining operations during the past calendar year. Gross income.

(4.) If such is demanded by the Government officials, the accuracy of the returns of the books shall be verified on oath by the owner or his book-keeper. Returns verified.

(5.) Such other conditions as the Government may deem desirable, not, however, in conflict with the spirit or provisions of this Law. Further conditions.

When the payment for the "mynpacht-brief" for such "mynpachts" is six months in arrear, the Mining Commissioner or official under whose administration the "mynpacht" is situated, shall demand payment thereof in the *Staatscourant*, and by notice in writing to the owner. When payment for "mynpacht-brief" in arrear.

The Mining Commissioner, or official under whose administration the "mynpacht" is situated, shall be obliged to make this demand immediately after the expiration of the six months. When demand to be made.

If within three months after the date of the publication of such demand, payment of all moneys due has not been made, the Government shall have the right to declare the "mynpacht-brief" to have lapsed. Lapsing of "mynpacht-brief."

27. All angles of a "mynpacht" shall be indicated by stone beacons of masonry, as stated in Art. 40, and bear an inscription, "Mynpacht No. " (being number of the "mynpacht-brief"), as also the official number of the beacon to be given by the Claim Inspector, while the sides shall be indicated as stated in Art. 41. Beacons at angles of "mynpacht."

For the proper maintenance of these beacons, to the satisfaction of the Mining Commissioner, or Landdrost if no Mining Commissioner has been appointed, the holder of the "mynpacht-brief" shall be responsible, according to Art. 3 of Law No. 3 of 1864, as approved by Volksraad Resolution, Art. 519, dated March 22nd, 1866. Maintenance of.

In case of default these beacons shall be erected and kept in repair by the Government, at the expense of those entitled to the "mynpacht," after notice has been given in accordance with Art. 42. When erected by the Government.

The absence or the imperfect condition of the beacons shall not be a ground for disputing the size of the "mynpacht-brief" granted. Absence, &c., of beacons.

28. Anyone hiring a portion of a farm or of a piece of land from the owner thereof, for the purpose of exploiting mines thereon, or buying the mining rights from such owner, may in the same way and on the same conditions as the latter, obtain a "mynpacht-brief," provided he causes his lease or memorandum of purchase to be drawn up notarially and registered. This "mynpacht" shall be renewable as long as he remains the lessee or owner of the mining rights. Lessee of mineral rights may obtain "mynpacht-brief."

The taking out or the renewal of a "mynpacht-brief" shall be effected with knowledge of the owner or of his representative. With knowledge of owner.

29. "Mynpachts" and leased land with licenses or "mynpachts" thereon, may be transferred, either wholly or in part, from one person to another, under the conditions laid down in Law 20 of 1895. Transfer of "mynpachts."

Division of "mynpachts."

On the division of a "mynpacht" the holders of portions shall render themselves jointly and severally responsible to the Government for the payment of the whole of the moneys due, according to the original "mynpacht-brief," from the date on which the registration of the transfer of the portions accruing to them took place, and for the strict carrying out of the legal provisions applicable to "mynpachts."

These provisions shall, as regards division, also be applicable to "mynpachts" already granted.

Stamp.

Every deed of transfer shall bear a stamp according to Law 5 of 1882, Schedule A.

Sale in execution of "mynpachts."

In the case of a sale in execution of "mynpachts" and leased land, the same provisions shall apply as in the case of a similar sale of immovable property.

Renewal of "mynpachts."

30. In regard to the renewal of "mynpachts" under Art. 28 and 29, the following rules shall be applicable :—

In name of registered holder.

(1.) That no "mynpachts" shall be renewed except in the name of the persons or companies in whose favour they were last registered, unless transfer has been made in the name of the new applicant.

Renewal in favour of lessee.

(2.) That the renewal of a "mynpacht" to a lessee, according to Art. 28 of this Law, may take place only when it appears from the contract to be produced by him and notarially registered that the lease is still current, or has been properly renewed.

When lessee becomes owner.

(3.) That when a person was formerly a lessee, but since that time has also become owner of the land on which the "mynpacht" is situated, and it appears that he has, in consequence, the owner's rights as well as the mineral rights in his possession, the renewal may take place.

Division of "mynpacht" on renewal.

(4.) That in case a "mynpacht" term has expired, and, it is desired on renewal of this "mynpacht-brief" to divide the "mynpacht" in accordance with Art. 29, then this shall be effected for as many parts as application for renewal is made for, in which divided "mynpacht-brieven" the obligations mentioned in Art. 29 shall appear, and provided that with each such divided "mynpacht-brief" proper surveyor's diagrams in quadruple are lodged.

Diagrams.

When one of the owners does not wish to renew.

When, on the renewal of a "mynpacht-brief," it appears that the "mynpacht" belongs to more than one owner, and that some or any of the owners do not wish to renew their portions or portion, those portions for which application is made may be renewed, provided that on each such partial renewal proper surveyor's diagrams in quadruple are filed, and in cases of undivided "mynpachts" such applicant or applicants shall be entitled to take out the portion of the "mynpacht" accruing to them in conformity with Par. 3 of Art. 25, while the Government shall be obliged to proclaim the remaining portion of the original "mynpacht" as a public diggings within six months after the day of expiry.

Renewal from 5 to 20 years.

(5.) That the extension or renewal may be effected for from five to twenty years, just as in the case of a new "mynpacht-brief," in conformity with Art. 26 of this Law.

Conditions.

(6.) That the "mynpacht-brief" shall be granted on the payment and on the conditions now laid down by Law or to be laid down later.

Division of a current "mynpacht brief."

(7.) That in case of the division of a still current "mynpacht-brief" of the portion to be sold, a new "mynpacht-brief" shall be issued, by virtue of a notarial cession, with proper diagrams, and that on application the original "mynpacht-brief" shall also be sent in, in order that a note of the division may be made thereon by the Registrar of Deeds, which shall also have to be done when a portion of a "mynpacht" is afterwards sub-divided.

A "mynpacht-brief" to be issued in this way may be granted only up to the time to which the original "mynpacht-brief" has run.

No concession on Government land.

31. No concession on Government land shall be granted in future. When, however, localities are discovered where insufficient advantages are to be derived from the

working of the claims by individual diggers, or where the land, after having been worked as claims, has been abandoned, such localities may be given out under "mynpacht" to a digger or diggers for a definite number of years, in order to work them by machinery or otherwise, on the following conditions :— When land may be given out under "mynpacht."

(*a*) The extent of pieces of land under "mynpacht" shall not be less than 150 by 150 yards, and not more than 500 by 500 yards. Extent.

(*b*) Each application shall be posted at the office of the Landdrost of the respective district during one month, or, should the land be under a Mining Commissioner, at his office, and also on the land applied for, and shall contain a full description of the land, as regards the extent, the situation, and whether it has already been worked or not. Application to be posted.

(*c*) Every interested person shall have the right to lodge objections against the granting, under "mynpacht," of a portion of land, which shall be done in writing, giving the ground of his objections, the validity of which shall be inquired into by the Landdrost or Mining Commissioner. Objections against granting of "mynpacht."

(*d*) Immediately after the expiration of the time of notice the Landdrost or the Mining Commissioner shall send in the application to the Head of the Mining Department with his report. Should the Government, after consultation with the Head of the Mining Department, approve of it, the "mynpacht" shall be granted, according to the form appearing in the Schedules of this Law. Application to be sent to head of Mining Department.

(*e*) For this "mynpacht" a yearly rental, always payable in advance, shall be paid, calculated at 10s. per morgen yearly. The "mynpacht-brief" shall bear a stamp of the value of two pounds ten shillings sterling (£2 10s.). 10*s*. per morgen.

(*f*) "Mynpachts" may be transferred in the same manner and under the same conditions as claims and other mining rights. Transfer of "mynpachts"

(*g*) Should the land, for which a "mynpacht-brief" has been granted, not be worked, the "mynpacht-brief" shall not be renewed, except with the express written consent of the Government. When land not worked.

(*h*) The Government shall always have the right, instead of the payment of 10s. per morgen, to demand 2½ per cent. of the gross income during the past year, as shown by the books and other vouchers. 2½ per cent. of gross income.

32. Persons and companies holding concessions or "mynpachts" on private or Government land, shall be at liberty, without violating the concessions of "mynpachts," to permit persons to dig on their own behalf, on such land under concession or "mynpacht," under such lawful agreements as the said concessionaires or "mynpacht" holders and persons may mutually enter into, providing that every person so digging obtains a licence from the official under whose administration the land is situated. It shall be clearly stated on such licence on which "mynpacht" or concession the same is granted, while the payment shall be ordinary licence money per claim. The regulations regarding claims shall be applicable in this case, excepting those relating to the reversion to the Government in case of non-payment of licence moneys while, further, the extra licence moneys referred to in Art. 83 need not be paid. The concessionaire or "mynpacht" holder shall not thereby be relieved of his obligations incurred under the concession or "mynpacht-brief." Holders of concessions may allow persons to dig. Licence. No reversion to the Government.

The concession, or "mynpacht" holder shall be obliged to give notice to the official under whose administration the said land is situated of every permit granted. Every contravention shall be punished with a fine not exceeding £10, or on non-payment with imprisonment as laid down in Art. 6. Notice of permission granted. Penalty.

33. Diggers on land under a concession or "mynpacht" shall be under the Mining Commissioner under whose administration such land falls, or the nearest Mining Commissioner, or the Landdrost of their district as the Government may decide. Jurisdiction over diggers on land under concession.

34. The concessionaire or "mynpacht" holder who permits diggers to dig on the land which he holds under a concession or "mynpacht" according to Art. 32, shall be entitled to receive from the Government three-fourths of the moneys paid for licences at the end of every month. Three-fourths of license moneys.

§ 4. Proclamation and Throwing Open as Public Diggings.

Power of President to proclaim land.

35. The State President shall have the power, with the advice and consent of the Executive Council, to proclaim Government land, and after consultation if possible with the owner, also private land, and to throw it open as public diggings, or, upon proclamation, to attach it to a previously proclaimed field, and in this connection it must be remembered that no land shall be proclaimed which is not absolutely necessary for the diggings. The proclamation of the Government and private land shall be published in the *Staatscourant* at least thirty days beforehand, mentioning the day and date of throwing open.

Publication of proclamation.

Proclamations to be posted up.

Such proclamations shall, moreover, be posted either at the office of the Mining Commissioner within whose jurisdiction the land is situated, or, if it is situated outside his jurisdiction, at the office of the Landdrost of the district.

Proclamation to be read.

In future no private or Government land declared a public diggings by proclamation shall be available for the pegging off of claims before the proclamation has been read by the official under whose jurisdiction such land is situated, in front of his office, where also the licences shall be issued.

Person must have his licence on the ground which he wishes to peg.

No person shall have the right to peg off claims before he or his representative is present with his licences on the ground which he wishes to peg off.

Government may instruct Surveyor-General to have land surveyed in claims.

36. Where in future it may appear to the Head of the Mining Department that, on the proclamation of private farms and Government land, the circumstances require it, the Government, with the advice and consent of the Executive Council, shall have the power to instruct the Surveyor-General to cause such farms or Government land, if desirable, to be wholly or partially surveyed in claims, and to have a diagram thereof made before the day of throwing open, which claims shall be properly numbered on such diagram.

Diagram of claims "mynpachts," &c.

On this diagram shall further appear the situation of the claims mentioned in Arts. 43, 44 and 45 of this Law, which must likewise be surveyed and numbered before the day of throwing open, as also the "mynpachts," homestead, grounds (werf), building, and arable lands granted, and other land reserved under Art. 53, and the land reserved by the Mining Commissioner in accordance with Art. 13 of this Law.

Drawing of lots.

The claims thus surveyed and reduced to diagram, with the exception of those claims and grounds mentioned in the above paragraph of this Article, shall be given out by lot to the public on the day of throwing open, and, if necessary, on the following days.

Not more than twelve claims by lot.

In no case shall more than twelve claims be awarded to one person by lot, in connection with which Art. 13 shall be observed, or such other provision as may at present exist, or in future be made thereanent in the Gold Law.

Expenses of survey.

The expenses of surveying the claims thus surveyed shall be paid to the Government by the claim-holder immediately on issue of the licence, in default of which the Mining Commissioner or responsible clerk shall be entitled to refuse the licence, in which case such claims shall be dealt with in terms of Art. 85 In case, on the day of throwing open, all the claims have not yet been surveyed, only the claims which have been surveyed or reduced to diagram shall be drawn for. The remaining portion of the proclaimed farm shall be available for pegging in the manner defined in this Law.

When claims not all surveyed.

Manner of drawing lots regulated by head of Mining Department.

The manner of drawing lots shall be regulated by the Head of the Mining Department, in consultation with the Government, while, after the termination of every drawing, a report must be sent in by the Mining Commissioner as soon as possible to the head of the Mining Department.

When the President may not proclaim land.

37. As long as an owner himself does not prospect, or has not given permission to others to do so, the State President, with advice and consent of the Executive Council, shall have no power to proclaim his land as a public diggings, nor shall anyone else be able to force him to allow his land to be prospected.

Notice of proclamation to owner.

The Government shall give notice to the owner of a farm or piece of land which it desires to throw open as a public diggings three months prior to the proclamation, by publication in the *Staatscourant* of such intention, so as to enable the owner to take out his owner's claims, according to Art. 45, and his "mynpacht-brief," and to define his homestead-grounds (werf), building and arable lands, according to Art. 50.

39. Before the proclamation of a public diggings takes place, all private land and that mentioned in the foregoing Article shall be properly surveyed, and diagrams thereof shall be made, which diagrams must be confirmed according to Law. All "mynpachts" and homestead grounds (werven) which have been properly surveyed, and reduced to diagram and have been confirmed by the Government, shall be indisputable. The lines between the beacons shall likewise first be beaconed off by a duly admitted Land Surveyor, according to Art. 41. All private land to be surveyed before proclamation. Beacons.

All Government land to be proclaimed as public diggings shall likewise be surveyed and reduced to diagram before proclamation, if possible. The lines between the beacons shall, however, in every instance, be beaconed off by an admitted Land Surveyor, according to Art. 41. Likewise Government land.

If private land to be proclaimed is not surveyed by or on behalf of the owner of such land within three months after the date of the notice to do so, and the diagrams sent into the office of the Surveyor-General, the Government shall have the right to have the survey made at the owner's expense. If private land not surveyed by owner.

40. All angles of all surveyed proclaimed ground shall be indicated by square beacons of solid masonry four feet high, bearing a notice, upon which shall appear the name and number of the farm corresponding with the registers of the Registrar of Deeds as well as the official number of the beacon. Beacons at angles.

41. The sides of all surveyed proclaimed grounds, farms, portions of farms, being divisions of proclaimed public diggings, shall, except where natural boundaries exist, be indicated at clearly visible distances by round intermediate beacons of masonry, three feet high, and also, should the head of the Mining Department, after consultation with the Surveyor General, consider it necessary, where the nature of the ground permits such, by a trench at least six inches deep. The distance of such beacons from each other shall not be less than one thousand yards. Beacons on sides. Trenches.

42. The Government beacons mentioned in Arts. 40 and 41 shall, on Government land, be erected by the Government at the expense of the State, after proper tenders have been called for. In the case of private land written notice shall be given to the owner to erect the beacons within seven days after the State President has decided to proclaim such land in terms of this Law. Should the owner not comply therewith within six weeks from the date of this notice, the Government shall, after calling for proper tenders, cause the beacons to be erected at the expense of the owner. Beacons erected at Government expense on Government land. Tenders.

43. Permit (vergunnings) claims may be granted and issued by the owner of a farm or piece of land to other persons before the proclamation of such farm or piece of land, subject to the ordinary licence after proclamation, according to the following scale:— Vergunnings claims before proclamation.

Below		100	morgen	...	...	...	8	claims.
100	morgen to	200	„	...	...	...	15	„
200	„	400	„	...	...	...	20	„
400	„	1,000	„	...	...	...	30	„
1,000	„	1,500	„	...	...	...	45	„
1,500	„	2,000	„	...	...	...	60	„

For every hundred morgen that the farm or piece of land consists of in excess of 2,000 morgen, the owner shall have the right to give out two claims more, under the same conditions as laid down in the foregoing paragraph.

44. The discoverer of payable precious metal on private farms or Government land, at least six miles distant from a locality already worked, shall, on proclamation of such farm or land, be entitled to possess and beacon off six claims, either reef or alluvial, which shall be called and registered as "discoverer's claims." Moreover, he may work thereon without licence, as long as he remains owner thereof. Discoverer's claims on land six miles distant from locality already worked.

Owner's claims.

45. Should the State President, with the advice and consent of the Executive Council, desire to proclaim a farm or piece of land, or portion thereof, or to throw it open, the owner thereof shall have the right to beacon off his owner's claims for himself before diggers (the discoverer of the precious metal excepted).

Number of.

The owner or owners of a proclaimed farm or farms shall be entitled to beacon off for themselves a number of claims, either reef or alluvial, which shall be called "owner's claims," namely, for a piece of land of 50 morgen or less, one claim ; for a piece of land from 50 to 200 morgen, two claims ; and for every 250 morgen in addition, one claim more, with a maximum of 10 claims for a farm, and to hold them under licence, after the discoverer who discovered the payable precious metal has pegged off discoverer's claims.

Pegged off after the discoverer's claims.

After this beaconing off of discoverer's permit (vergunnings) and owner's claims, the persons mentioned in Art. 59 may peg off claims for themselves according to law.

Discoverer shall not lose his rights through unwillingness of Government to proclaim land.

46. The prospector who, in accordance with Art. 23, and the discoverer who, in accordance with Art. 44 of this Law, finds payable precious metal, shall not lose his rights through the unwillingness of the Government to proclaim the land as a public diggings, or to attach the same to an already proclaimed farm or diggings by proclamation.

Discoverer also enjoys rights of digger.

47. The holder of a prospecting licence shall, immediately inquiries have been instituted on his report, and the Government has decided about the payableness of the precious metal in the land discovered by him, enjoy all the rights of an ordinary digger, over and above his special right as a discoverer : and he shall have these rights on private land, even should such land not be proclaimed as public diggings.

Entitled to use of water.

He shall, in that case, be entitled to use the water on the farm for the purpose of working his claims, as may be agreed upon in writing between himself and the owner.

When this article not applicable.

This article shall not be applicable in cases where a landowner specially hires someone to prospect for him, or also when a separate agreement is made prior to the granting of the written permit mentioned in Article 23, whereby the discoverer, in order to obtain the written permit, waives his claim to the privileges under this article in writing.

Owner entitled to half of the claim licence money.

48. The owner of the private proclaimed land, on which diggers' and prospecting licences are issued, shall receive monthly half of the proceeds of the diggers' and prospecting licences.

Three-fourths of stand licence money. When this provision not applicable.

Of the proceeds of stand licences, three-fourths shall go the owner and one-fourth to the Government. This provision shall not be applicable in cases where contracts already exist, or may be entered into between the Government and the owner.

Monies, even in case of lease, paid out to owner.

The accounts of all these monies shall always be made out in the name of the owner, and the monies, also in case of lease, shall be paid out only to the owner or his authorised representative.

Compensation for damage to grazing rights.

Where damage is caused by proclamation to rights existing at the time of the proclamation (for instance, grazing rights) the person entitled thereto shall be awarded compensation by the owner. The fixing of the amount to be paid shall be effected by arbitration in the manner prescribed in Art. 56.

Prospecting on locations.

49. When a chief with his council desires that the land which has been pointed out to him by the Government for a dwelling-place with his people (location), which he occupies with his people, should be prospected for precious metals, he may apply to the

Who entitled to the preference.

Government to cause such to be done by white persons. The persons proposed by the chief and his council shall in the first place be taken into consideration by the Government. Should the Government consider it desirable to authorise other persons to prospect, this may be done without reasons being given, those persons excepted whose farms were expropriated by the Government on behalf of the extension of the location, to whom the

Portion available for prospecting to be pointed out.

preference shall be given. The Government shall cause to be pointed out to the person or the persons authorised by it what portion of the location has been rendered available for prospecting.

Proclamation of locations as public diggings.

Whenever it appears through prospecting that payable precious metals are found within such locations, the State President shall have the right, with the advice and consent of the Executive Council, to declare such land, either wholly or in part, public

diggings, under the regulations laid down in this Law for Government land, with this proviso, however :—

(1.) That the grazing rights shall be left to the chief and his people. Grazing rights.

(2.) That their kraals and lands shall be excluded, and shall not be disturbed, except with their consent. Kraals and lands.

(3.) That sufficient water shall be left for their households and for their cattle. Water.

(4.) That a "mynpacht" under the terms of this Law may be granted to the person or persons authorised by the Government to prospect, when they give sufficient proof of the payableness of the ground, the size to be fixed in consultation with the superintendent of natives and with the Head of the Mining Department, but in no case greater than the maximum fixed for private land by Art. 25, paragraphs 2 and 3 of this Law, computed according to the number of morgen to be thrown open. Mynpacht. Extent of.

(5.) That compensation shall be given to the chiefs and their people, who have obtained the locations gratis from the Government, computed at a fourth of the proceeds of the licence and "mynpacht" monies. Compensation to chiefs. When one-fourth.

(6.) That compensation, computed at a third of such proceeds, shall be granted to the chiefs and their people who have acquired the location land wholly or in part at their own expense. When one-third.

(7.) The Government shall have the power to make such regulations regarding the portion of licences and "mynpacht" monies to Moshette, and the kaffir chiefs of equal standing with him, as it may deem fit. Compensation to Moshette.

50. Where private land is proclaimed as public diggings or is attached by proclamation to already proclaimed fields, the Government shall first consult with the owner, if possible, to determine on what plots of ground, such as plots built on, homestead grounds (werven), gardens, cemeteries, kraals, arable lands and watercourses in the neighbourhood thereof, it shall be prohibited to prospect and to dig. Owners may, before the proclamation, in consultation with the Government, the Mining Commissioner, or the Landdrost of the district, beacon off a "werf" or unworked farms or pieces of which are not occupied, which shall be reserved for homestead, building or arable lands. All homestead grounds (werven) properly surveyed and reduced to diagram and confirmed by the Government shall be indisputable. Consultation with owner as to where it shall be prohibited to prospect. "Werven" on unoccupied farms. "Werven" when indisputable.

Where, according to paragraph 1 of this Article, homestead grounds have been reserved by the owner before the proclamation of the farm or piece of land, he shall be entitled to a "mynpacht" on such land, over the whole surface thereof. Mynpacht on homestead grounds.

On farms where no already cultivated homestead grounds exist before the proclamation, the homestead grounds on which "mynpachts" are obtained may not exceed one-thirtieth of the size of the farm. When it may not exceed one-thirtieth of the farm.

51. Under all circumstances sufficient water shall remain free for the use of the owner, his family, his cattle, and for the irrigation of all gardens and arable lands existing at the time of the proclamation, and for the working of the "mynpachts" granted under the provisions of this Law. Water for use of owner.

The quantity of water required for these purposes shall, before the proclamation as public diggings, be gauged by order of the Head of the Mining Department, and shall be determined by him. Thereafter the water so gauged may be used by the owner for other purposes or disposed of by him. The rest of the water, and the water not so used, shall always be allowed to flow away unobstructed. The use thereof shall be regulated by the lawful authorities according to the provisions of this Law. Lessees, servitude holders, or others entitled to water, shall retain the right to such water in so far as at the time of the proclamation they make use thereof for the purposes mentioned in the first paragraph, and after the quantity thereof shall have been determined by the Head of the Mining Department, which shall take place before proclamation. In this respect the provisions of the second paragraph of this article shall also apply. Quantity fixed by order of head of mining department. May be used for other purposes. Remainder to flow away unobstructed. Use of, Water for lessees, &c.

Werven, &c., to be enclosed by owner. Diagrams.

52. The Government shall further have the right to demand from the owner, or his representative, that plots built on, homestead grounds, gardens, burial places and arable lands, be properly enclosed and reduced to diagram, within a time to be fixed by the Government, which time, however, shall not be less than three months.

In the event of this not being done within the period fixed, the Government shall have the right to do so at the owner's or his representative's expense.

Right of Government to take ground for public buildings, &c. Diagram.

53. On proclaimed ground, both private and Government, the Government shall have the right, as long as the proclamation continues, to occupy and build on such pieces of land, without payment, as shall be necessary for offices and other public buildings, for the deposit of rubbish, for burial grounds, locations for coloured persons, for the purposes of stands in accordance with Art. 13 of this Law, and for other general purposes. Such pieces of land shall, if possible, be beaconed off by the Mining Commissioner, in consultation with the owner, at the expense of the State, and a diagram thereof shall be drawn up by a qualified land surveyor.

Buildings, property of State.

The buildings mentioned in the preceding paragraph shall remain the property of the State.

When ground may be given out for gardens, &c.

54. On private proclaimed farms, two years after proclamation of the same, pieces of land may be given out for gardens, arable lands and plantations, on places where it has not appeared that there are gold-bearing reefs or alluvial deposits and under the following conditions :—

Given out by the Government.

(1.) The granting of such land shall be effected by the Government on the request of the owner, under such conditions as the latter may fix, after inquiry by the Mining Commissioner concerned, and on the recommendation of the head of the mining department.

If gold-bearing reefs discovered. Compensation.

(2.) If it should afterwards appear that gold-bearing reefs exist, that portion through which such reefs pass shall be given out in the ordinary way provided that if damage is done to gardens, arable lands, plantations, and buildings and erections, mentioned in sub-section 3 of this article, such damage shall be paid by the licence holder or holders, according to assessment to be fixed by arbitrators.

Leave to owner to put up buildings.

(3.) The Mining Commissioner shall have the right to grant leave free of payment to the registered owner of the proclaimed farm to put up the necessary buildings and erections, exclusively for the purpose of the working and supervision of such gardens, arable lands and plantations.

Such land may not be used for any other purpose.

55. When pieces of land are given out according to the preceding article for gardens, arable lands, and plantations, such pieces of land may not be used for any other purpose.

Dam. Pipes. Roadways, &c. Permission of Mining Commissioner.

56. Where a person or company, holder of claims, or a "mynpacht," on the various proclaimed diggings, wishes to construct a dam for the accumulation of tailings or rain water (provided it be not from an existing water-course or springs and depositing site for tailings that have been worked out), to lay down a main, pipe, or other conductor, for the purpose of bringing water to his or its machinery stand, or to construct a roadway either for ordinary wagons drawn by draught animals, or for so-called trucks conveyed along rails, aerial railways for the conveyance of quartz or material from the claims or "mynpacht" to the machinery stand, provided such trucks be not propelled by steam or electricity, the Mining Commissioner may grant permission for that purpose.

Written application. Publication of application.

If such water-courses, or pipes, ordinary roads, or truck roads, aerial railways, go over claims, "mynpachts," water-courses, or pipes, streets, railways, aerial railways, tramways, or stands belonging to other persons, the applicant shall make a written application therefor to the Mining Commissioner concerned, accompanied by a surveyor's diagram, in order to obtain the necessary permission for the construction and exploitation thereof. This application shall be published for a month in the "*Staatscourant*" and in one of the local papers by, and at the expense of, the applicant, for the information of parties, who must send in their objections and claims for compensation within that time to the Mining Commissioner concerned. Any person constructing such water-courses or pipes, dams, ordinary or truck roads, aerial railways over claims, "mynpachts" water-

courses or pipes, streets, railways, aerial railways, tramways or stands belonging to other persons, without having previously obtained the permission of the Mining Commissioner to do so, shall be punished with a fine not exceeding £10, or, on non-payment, with imprisonment for a period not exceeding six weeks, without prejudice, however, to the right of the surface owner or owners to compensation. The amount of this compensation shall be decided upon by two arbitrators. One of them shall be chosen by the applicant and the other by the interested party. Before proceeding to deal with the dispute or disputes, the two aforementioned arbitrators shall appoint an umpire. If the two arbitrators are unable to agree in the choice of an umpire, the Mining Commissioner shall act as umpire.

Penalty for constructing such roadways, &c., without permission of the Mining Commissioner.

Compensation fixed by arbitrators.

57. The Government may, by special agreement, grant provisional permission, subject to confirmation by the second Volksraad, for the laying of conductors for the transmission of electric currents for the use of the mines and mining works.

Permission to lay conductors for electrical currents.

58. An area once declared a public diggings, or portion thereof, may not be closed either wholly or in part except by proclamation, when the number of diggers' claims within the boundaries of such portion, which it is requested or proposed should be closed, is less than a number computed at one digger's claim for every twenty morgen, and it further appears from the reports of the Government experts that gold is not found in payable quantities within the limits of the ground to be closed, provided always that the closing of such proclaimed ground shall not affect the rights and claims to machinery stands, tailing sites, water-rights, or other "bezitrechten" previously obtained.

When a proclaimed area may be closed.

Such proclamation shall be indisputable proof of such closing.

This closing shall not affect the rights of those persons whose claims are still being held under licence, unless such claims are expropriated on payment of proper compensation. The amount of such compensation shall be fixed by mutual agreement between the Government and interested parties, and in the event of their not being able to agree, by way of arbitration.

Closing does not affect persons whose claims are being held under licence, unless claims are expropriated.

Compensation fixed by arbitrators.

§ 5. Exploitation of Claims under Licence.

59. Every white person of full age of the male sex who subjects himself to the laws of the land, and produces to the official charged with the issuing of the licences mentioned in this article, the receipt or certificate that he has paid his personal tax according to law for the current year, shall have the right to not more than fifty diggers' licences to dig or mine for precious metals on a public field, on one claim for every licence, to be obtained on payment of 20s. per month per licence.

Who entitled to licences.

50 diggers' licences.

This licence of 20s. may, however, be demanded only for claims on which machinery has already been erected and is in working order, or if, no matter where, use is already made of machinery for the crushing of quartz coming from those claims.

20s. for licence when machinery is being used.

Where, in other cases, the Mining Commissioner orders the taking out of a digger's licence, only 15s. per month need be paid for it. Every person, as above mentioned, provided he complies with the same conditions, shall also have the right to obtain not more than 50 (fifty) prospecting licences, which shall give him the right to prospect on proclaimed Government land, situated within the jurisdiction of the official who issues the licences, or on private land, in accordance with the provisions of this Law. For every licence to prospect on private land, 5s. per month shall be paid, and on Government ground, 2s. 6d. per month, besides a stamp of 1s. 6d. per claim for the first month in every case of pegging or taking out the claim licences.

Otherwise 15s.

50 prospecting licences

5s. per month on private land.

2s. 6d. on Government land.

60. If under this Law an area is declared a public diggings, the person or the persons who has or have beaconed off prospecting claims on such area, under prospecting licence, shall be entitled to remain in possession of such claims, provided this Law be complied with.

Persons who have pegged off prospecting claims before proclamation shall be entitled to remain in possession of them after proclamation

Every male child of 16 years or more entitled to peg 50 claims.

61. Every male child of the age of 16 years or more shall have the right to peg off not more than fifty claims, provided that the field-cornet or assistant field-cornet of his ward certifies that he is registered on his field-cornet's list, is known to him as an inhabitant of his ward, and obedient to the Laws of the land.

Likewise unmarried female persons and widows.

Unmarried female persons of full age, as well as widows, shall also have the right to peg off not more than fifty claims.

Persons who pay no personal taxes.

All persons mentioned in this article, who pay no personal taxes under the Laws of the land, shall produce a certificate that their father or guardian has paid personal taxes for the current year.

Certificate of field-cornet.

Persons mentioned in this article who are not liable to pay personal taxes, and are not assisted by father or guardian, shall produce a certificate to that effect from their field-cornet or assistant field-cornet, for the purpose of this article.

Stamp.

The field-cornet or assistant field-cornet shall attach a stamp of one shilling to each certificate for the signing of the certificate and the examining of his books, to be paid by the holder of the certificate, whereof 6d. shall be refunded to him monthly for each certificate, by the Government. The field-cornet, or assistant field-cornet, shall keep a proper register of the certificates issued, and shall hand in monthly a certified list, with his account, to the proper official of his district. The field-cornet or assistant field-cornet who sends in incorrect statements or accounts as correct, and certifies the same in order, shall be punished by a fine of not less than £5 and not more than £25, and in default of payment, with imprisonment for a period not exceeding three months with or without hard labour.

Registrar of certificates.

Penalty for sending in incorrect statements.

Persons domiciled abroad.

Male persons of full age, domiciled abroad, may cause to be pegged off by a holder of a Power of Attorney, one digger's or prospector's claim, and thereafter hold the same, provided the Power of Attorney be notarially drawn up and duly legalised, and such Power of Attorney shall bear a stamp of this Republic of the value of £1 sterling, in addition to the ordinary stamp of 1s. 6d. per claim.

Power of attorney.

Stamp renewed annually.

This stamp shall be renewed annually, and shall be valid for the current year for each power used by the same person on any goldfield in this Republic.

Receipt.

The holder of the power of Attorney may obtain a receipt or duplicate receipt for the same from the official who cancelled the stamp on the first Power of Attorney given by the same mandator for such current year.

Three alluvial claims.

Right to purchase claims.

Mining Commissioner decides whether digger's or prospecting licence must be taken out.

62. Every licensed digger shall be entitled to hold under his licences, on every proclaimed farm, three alluvial claims, and as many reef claims as laid down in Arts. 59 and 61 of this Law. He shall also be at liberty to purchase a number of claims from other licensed claim-holders ; he shall, in that case, hold a digger's licence for each claim, unless the Mining Commissioner considers a prospecting licence sufficient for the time being.

Appeal to Government.

The licence holders may, in case they are dissatisfied with such decision of the Mining Commissioner, appeal within thirty days to the Government, through the head of the mining department, whereupon the Government, on the report of the latter, shall decide finally.

Digger's licence on alluvial claims, 20s.

63. The price of a digger's licence on an alluvial claim shall be 20s. per month.

When a claim-holder may peg off fresh claims.

64. When a claim-holder or the joint claim-holders of an amalgamated block have had their respective shares registered for the purpose of this Article with the Mining Commissioner or responsible clerk concerned, on payment of 10s. per claim, each one of them shall be at liberty to peg off claims afresh.

Discoverer of payable gold reefs on and in proclaimed diggings entitled to 50 additional claims.

65. The discoverer of payable gold reefs on and in proclaimed public diggings shall be granted not more than fifty claims, in addition to the maximum of fifty claims granted to him in Art. 59, but subject to a tax of 6s. 6d. per claim on proclaimed private land, and of 4s. per claim on proclaimed Government land, for the first month, and thereafter the usual licences.

66. If on a quartz-reef claim alluvial gold, or, *vice versâ*, on an alluvial claim quartz reef gold is also found, then the holder of the first licence, whether for alluvial or reef claims, shall, during three months after the application therefor has come in to the Mining Commissioner (who thereupon gives written notice of this application to the original holder of the claim or his representative), be entitled to the preferent right to obtain licences to dig for such alluvial or quartz reef gold. He shall be entitled to take out in alluvial claims the entire extent of his reef claims. Should the holder of the first licence above indicated not make use of this preferent right, the officials concerned may issue a licence to prospect and dig for quartz or alluvial gold to the other applicant, who may then peg off and work such ground in the way prescribed in this Law.

What if alluvial gold is found on quartz-reef claims or *vice versa*.

Original claim-holder entitled to preferent right.

The workers of the alluvial ground and of the quartz reef shall be careful not to cause each other any damage or inconvenience in the working of the ground, and shall be liable to one another for any damage or inconvenience caused.

Claim holders must not inconvenience one another.

67. Should there be any doubt with the owner of the claims on which application is made, in terms of the former article, to peg, as to the *bonâ fides* of the application, he may lodge an objection with the Head of the Mining Department, who shall then institute an investigation by the officials mentioned in Art. 24.

Owner of claims may lodge objection if he has doubt as to *bonâ fides*.

Should it appear from this investigation that there is no reef or alluvial gold on the claims upon which licences are applied for, the Mining Commissioner or official entrusted with the issuing of licences, after having been informed thereof by the head of the mining department, shall refuse the issue or renewal of the second licences on the same ground.

Mining Commissioner shall refuse second licences if no reef or alluvial gold.

68. The registration of one or more discoverer's claim shall be effected by a Mining Commissioner, when the discovered precious metal-bearing ground is situated within the boundaries of his field, or otherwise by the Landdrost of the district wherein said ground is situated.

Registration of discoverer's claims.

69. Diggers or prospectors, being holders of claims adjoining each other, who desire to unite or amalgamate their claims, may cause such claims to be registered as amalgamated, with all water-rights belonging to such claims, on application at the office of the Mining Commissioner or responsible clerk concerned, on production of a chart showing the situation of the claims, and signed by the surveyor or the person who did the pegging.

Amalgamation of claims.

On registration the share of each digger or prospector shall be clearly and plainly described.

Share of each digger must be clearly described.

On the granting of the certificate of such union or amalgamation, under a stamp reckoned at 3s. 6d. per claim, the holders of the amalgamated claims shall enjoy the usual privileges, according to the regulations thereanent on the field where they are situated. The union or amalgamation of claims shall not lapse through licences being changed.

Privileges on amalgamation.

Amalgamation does not lapse through licences being changed.

On discovery that a person is holding ground under a prospecting license and is not properly working it, to the satisfaction of the Mining Commissioner, with the object of finding precious metal, the Mining Commissioner shall have the right to order him to take out a digger's license.

The holder of a prospecting licence who does not work his claim may be ordered to take out a digger's licence.

The license holders may, in case they are dissatisfied with such decision of the Mining Commissioner, appeal to the Government within thirty days, through the head of the Mining Department, whereupon the Government shall decide finally on the report of the latter.

Appeal to the Government.

70. Each application for a "mynpacht," right to lead water, protection, amalgamation of claims, and other similar applications shall bear stamps to the value of 5s.

Every application for "mynpacht," &c., to bear a stamp of 5s.

71. It shall not be lawful to peg off claims between sunset and sunrise, as also on Sundays and Church and public holidays recognised by law.

When digging is forbidden.

Pegging off at such forbidden times shall be regarded as unlawful, shall not be recognised, and shall give no right whatsoever.

Such pegging unlawful.

Diagram to be filed within two months in case of prospecting claims. Claims may not be transferred without diagram. Sketch of alluvial claims. Diagram on transfer. This not to apply to unhealthy regions.

72. Every owner of a reef claim or of an amalgamated block of reef claims, under prospecting license, shall be obliged to hand in to the Mining Commissioner, responsible Clerk or Landdrost concerned, within two months after the date of the first license, a surveyor's diagram, or, if there is no surveyor, a sketch of the situation of the claims or blocks, signed by the person who made the survey. Such claims shall not be transferred without a proper surveyor's diagram. For alluvial diggers' claims it shall be sufficient to hand in only a sketch, as long as they are not transferred, in which case a surveyor's diagram is compulsory.

The provision of the foregoing paragraph shall not apply to unhealthy gold regions.

Confirmed diagram of holders' claims to be filed within six months.

73. Every holder of a reef claim, or an amalgamated block of reef claims, under digger's license, shall be obliged within six months after the date of the first license, to deposit with the Mining Commissioner, responsible Clerk or Landdrost concerned, confirmed surveyor's diagrams in triplicate of a survey of his ground, made by a surveyor, and compiled on such a scale as shall be defined by the surveyor-general.

Contents of diagram.

Such survey shall show all works, buildings, tramlines, roads, pathways, machinery stands, and the local nature of the ground, and must be connected by trigonometrical or other survey with such fixed points or permanent beacons of another survey as the Surveyor-General shall define, or in such other manner as the Surveyor-General shall consider sufficient to accurately define the place.

Confirmed by Surveyor General.

These diagrams shall be examined and confirmed at the Surveyor-General's office.

Publication of notice that diagrams have been sent in.

The Surveyor-General shall, before the diagrams are signed by him, make known, by a notice in the *Staatscourant*, that such diagrams have been sent in, and that they will be signed by him if, within the time of one month from the date of publication, no protest be lodged against the same.

Protests must be proceeded with within one month.

Should protests be lodged, the same must be proceeded with within the period of one month, failing which the diagram shall be signed by the Surveyor-General just as though no protest had come in against the same.

Provisions of Art. 111 apply. Beacons to be pointed out by owner.

With regard to diagrams already confirmed, and hereafter to be confirmed, under this article, the same provisions regarding validity and cancellation of incorrect diagrams as laid down in Art. 111 shall apply. Before a surveyor may survey claims or grounds, the beacons thereof shall be pointed out to him by the owner, or his representative, in company with the claim inspector of the respective fields.

Period for sending in diagrams may be extended.

74. The period for sending in the diagram referred to in Art. 73 may, for well-founded reasons, be extended by the head of the mining department.

When a person holds more ground than he has licences for.

75. If a person has more ground than he holds licences for, anyone who is provided with the proper number of licences shall have the right to beacon off afresh the number of surplus claims within the pegs or beacons of such person, provided, however, that such claims beaconed off afresh adjoin one another on one of the sides of the block or piece of land, but in no case on places that have been worked, or so as to interfere with the other claim holder.

Second pegger must give written notice of his pegging. Diagram within 21 days.

The second pegger shall be obliged, within 48 hours after such pegging, to give written notice thereof to the Mining Commissioner or responsible clerk of the field in question, as also to the holder or the holders of the claims, and he shall, moreover, within 21 days thereafter, send in to the official concerned, a surveyor's diagram of the whole block of claims, showing not only the claims pegged off by him, but also the exact position of the claims of the other claim holder, after which the Mining Commissioner may award the ground pegged off in excess to the person pegging over. An appeal from this decision of the Mining Commissioner may be noted within 14 days after the decision, to the Head of the Mining Department, whose decision shall be final.

Appeal to the head of the mining department.

Penalty for pegging when there is no open ground.

Should it appear that the second pegger has pegged between the beacons and pegs of the holder of the claims, without there being open ground, the second pegger shall be

punished with a fine of from £100 to £500, or, in default of payment, with imprisonment according to Art. 6.

The words "more ground" shall signify more ground in superficial area, and have no reference to the direction of the reef. *Meaning of "more ground."*

76. Surveyors who are engaged in surveying claims shall have the right to enter for that purpose on another's land, after giving notice to the persons entitled to such land, or their representatives, should they be on the ground, and to place there the necessary instruments and flags for the survey. *Surveyors have the right to go on to another's land after giving notice.*

Every person who prevents or obstructs them therein or puts difficulties in the way of the operations for the survey, shall be punished with a fine not exceeding £25. *Penalty for obstructing.*

77. All surveyors shall be obliged to supply the Head of the Mining Department, through the Surveyor General, with a copy of all diagrams which they have made for companies, syndicates, or private persons, in so far as they have reference to public diggings. *Surveyors must supply head of the mining department with copies of diagrams.*

The penalty for contravention shall be a fine not exceeding £100. *Penalty.*

78. (1) Any person who does not comply with the depositing of diagrams and sketches, prescribed in Articles 72 and 73, within the time fixed shall be punished with a fine not exceeding £15. *Penalty for not depositing diagrams.*

(2) With the sentence a time shall be fixed within which the deposit shall be made. *Time for depositing to be fixed.*

(3) If the diagrams are not sent in within the time fixed, the claims shall lapse to the Government, and shall be dealt with in accordance with the 2nd, 3rd, 4th and 5th paragraphs of Article 85. *If diagrams not sent in within time fixed claims lapse to Government.*

79. An alluvial claim for digging for precious metals shall be in extent 150 by 150 feet, and shall be beaconed off with clearly visible pegs and furrows at right angles in the direction of the sides. *Extent of alluvial claim.*

A quartz reef claim shall be 150 feet in length (*i.e.*, in the direction of the reef), and 400 feet in breadth, in such a way that each claim, if possible, forms a rectangle, the breadth to be taken on one or both sides of the reef as desired. *Extent of quartz reef claim.*

In a case where the contour of the country does not allow a claim to be pegged off in accordance with the above-mentioned provision, the pegger shall be entitled to peg off a claim in any shape whatever, to any extent not exceeding 60,000 square feet, as far as a reef claim is concerned, and to an extent not exceeding 22,500 square feet in the case of an alluvial claim. *Where a claim cannot be pegged off in rectangular shape.*

With regard to a quartz reef claim pegs placed in the middle of each of the long sides of the claims, shall be sufficient beacons for the first seven days. *What pegs are sufficient for first seven days.*

After the expiration of that time four corner pegs shall be substituted, and the direction indicated by beacons as prescribed by law. *Four corner pegs after seven days.*

The foregoing paragraph shall not be applicable when the four corner pegs are at once put in.

In the case of quartz reef blocks of amalgamated claims, four corner pegs for each block, with the necessary line beacons erected at visible distances, shall be sufficient, but the name of the respective claim-holders in the block must be legibly marked on each corner peg, with the date of amalgamation. *Corner pegs in case of amalgamated claims.*

No one shall have the right to fence in his claim or "mynpacht" without the previous written permission of the Head of the Mining Department, who shall decide, in consultation with the Government, and in no case shall a greater portion of the ground be fenced in than is necessary to protect the works, and to guard against obstructions and trouble with the workmen. *Fencing in claims or "mynpacht."*

All fences made, or to be made, without permission, as aforesaid, shall be removed by those entitled to the ground thus fenced in, and in default thereof the Government shall cause the same to be removed at their expense. *Fences put up without permission to be removed.*

Penalty. Contraventions of this Article shall be punished with a fine not exceeding £25, or in default of payment with imprisonment according to Art. 6 of this Law.

Height of corner pegs. **80.** The corner pegs or beacons of a claim shall project not less than three feet above the ground.

Diameter. These corner pegs or beacons shall be not less than three inches in diameter.

Trenches. Where the nature of the ground permits, at each peg or beacon two trenches shall be dug, which trenches shall indicate the direction of the boundaries, of at least three feet long, at least half-a-foot wide, and at least a foot deep, which shall form a right angle at each peg or beacon; moreover the sides of a claim, or amalgamated block of claims, shall be clearly indicated by trenches or piles of stones at least half-a-foot high, and three feet long, boundary beacons placed at mutually clearly visible distances or other marks.

Line beacons.

Beacons when diagrams exist. When a surveyor's diagram of claims or amalgamated block of claims is in existence, it shall be sufficient if the corner beacons are erected, and the furrows round the claims are dug.

Boards on corner beacons. All claims and amalgamated blocks of claims shall have on each corner beacon a board at least nine inches square, on which shall be clearly and legibly written, printed or painted, the official number to be given by the claim inspector, the names of the mining property and the claimholder or claimholders, the date of the licence and the date of the pegging off.

Claim inspector must see that provisions are complied with. The claim inspector shall be obliged to see that the provisions of this Article are complied with. On non-compliance he shall have the right to impose a fine therefor of at least 5s., and not exceeding 10s. per claim. He shall notify the owner or his representative thereof and shall at the same time inform the Mining Commissioner of this.

Fine. The person fined shall have the right within eight days to appeal to the Special Landdrost, if there be one, or otherwise to the Mining Commissioner; if, after the expiration of this term fixed for the appeal, no appeal has been noted, and the fine has not been paid at the office of the Mining Commissioner, and the beacons have not been put in order, the Mining Commissioner shall issue no further licence for the claim in respect of which the contravention has occurred, and Art. 83 shall in this case be applicable.

Appeal.

Mining Commissioner shall refuse to issue further licence if beacons not put in order.

Abandonment of claims. **81.** If, on a public goldfield, a digger wishes to abandon his claim or claims in order to peg a new claim or claims for himself, he shall have the right to do so, provided he notifies the Mining Commissioner or responsible clerk to that effect, before these officials can issue new licences to him. On the receipt of such notice the Mining Commissioner or responsible clerk shall have such claim or claims sold by public auction as laid down in Art. 85.

Claims to be sold by public auction.

When renewal of licence shall be refused. **82.** The renewal of a prospecting or digger's licence shall be refused by the Mining Commissioner or responsible clerk when claims have been pegged off on places where, by virtue of Arts. 13, 53 and 118 of this Law, it is forbidden to prospect or dig, and on places which, in the opinion of the Mining Commissioner or responsible clerk, are in indisputable lawful possession of others.

Holder of claim must not allow material from his claim to be a nuisance to others. **83.** No holder of a reef claim situated higher up shall have the right to allow the material from his claim to be a nuisance to another, or to hinder any person who is working lower down.

Storage sites for depositing tailings, &c. In case holders of claims require ground for depositing tailings or other refuse from batteries, for placing settling tanks or pans, dams instead of pans or reservoirs for the storing of ores, such ground may be given to them, as far as possible on their own claims, after written application accompanied by a surveyor's diagram has been made therefor by the interested party to the Mining Commissioner or responsible clerk concerned, which officials may grant the application if there are no well founded objections thereto. For this no extra licence need be paid.

No extra licence.

This provision shall not apply to those "bewaarplaatsen" (storage sites), which have already been given out under licences at 2s. 6d.

The provisions laid down in Art. 105 with regard to the non-payment within the proper time of the licences on specially registered claims, shall also be applicable to this article. Provision of Art. 105 applicable.

Applicants shall, within a month after the award, hand in plans in triplicate to the said officials, drawn up as indicated in Art. 72 of this Law. Plans.

Mining Commissioner decides where prospecting and where diggers' licenses must be taken out.

84. On proclaimed fields the Mining Commissioner may decide where prospecting may take place under prospecting licenses, and also decide for what places digger's licenses shall be taken out.

He may change diggers' into prospecting licences.

The Mining Commissioner shall have the right, in the event of application being made therefor, to change digger's licenses under which claims are held, to prospecting licences, after due inquiry and after having received the report of the claim inspector thereanent.

Landdrost may issue prospecting licences.

Every Landdrost, excepting on the proclaimed fields, where a Mining Commissioner has been appointed or assigned, may issue prospecting licences within the boundaries of his district.

When claims lapse to the Government. Former holder may recover the claims within three months.

85. If a digger's or prospecting licence expires, without being renewed on or before the date of expiry, the claim for which the licence was issued shall not be pegged off by another person, but shall lapse to the Government, and such claims shall be dealt with as follows :—

Extra licence moneys. If new licence taken out within fourteen days.

During three months after such day of expiry, the former holder of such claims shall have the right to recover his rights to such claims by taking out new licenses therefor, on additional payment of extra licence moneys equal to one-fourth of the amount of the arrear licence moneys. Should, however, the new licence be taken out by the former claim holder within fourteen days after the date of expiry, only the licence moneys for such days need be paid. After expiry of the said term of three months, the head of the Mining Department shall cause such claims to be sold by public auction. The Head of the Mining Department shall, however, be obliged to give back the claims in question, before such sale takes place, to the original holders thereof, should they make application therefor, and should there be no further disputes, on additional payment of all arrear licence moneys, as well as the costs incurred in connection therewith.

Sold by public auction after the three months.

When head of the Mining Department bound to give claims back to original holder.

Money to be deposited on application.

On such application for the return of lapsed claims, a sum of money consisting of the arrear and extra licence moneys, as well as the costs incurred, shall be deposited.

Conditions of sale.

The conditions under which these claims which have lapsed to the Government shall be sold, are to be found in the Schedule "A" attached to this Law.

Money due to the Government to be paid first.

Out of the proceeds all moneys due to the Government shall first of all be paid.

Half of the excess goes to Government and other half to owner of farm.

If the claims realize more than the amount of the expenses, ordinary and extra licence moneys, half of the excess shall be paid to the owner of the farm, and the other half shall be paid into the Treasury.

If claims not sold, the Head of Mining Department bound to declare ground open thirty days after sale.

If the claims are not sold by public auction, the Head of the Mining Department shall be obliged to declare such claims as open ground thirty days after the date of the sale, when the ground may be pegged off by the public.

Protection granted when claim-holder on commando.

86. Any person who is on commando, or has personally responded to a call for the preservation of order and peace, shall *ipso facto* have protection for his claim or claims (whether reef or alluvial) during the time that he is on commando or said special service, and in the case of commando, also for thirty days after his release from such commando, without it being necessary that such protection be specially granted, provided he gives notice of such call to the Mining Commissioner concerned.

Notice to Mining Commissioner.

No licence moneys need be paid.

During the time of this protection no licence moneys need be paid on the claims.

Provisional exemption from payment of licence monies provided claims be worked. Report by Mining Commissioner. Government confirms exemption. No payment necessary.

87. Provisional exemption from the payment of claim licence moneys (whether for reef or alluvial) may be granted in case of sickness or owing to the unhealthiness of the locality, provided that work be done on such claims before and at the time of the application for protection, such as in the opinion of the Mining Commissioner may be considered sufficient for the granting of such exemption. Every such case of exemption shall be sent as soon as possible by the Mining Commissioner, with a full report, to the Head of the Mining Department, for final approval or disapproval by the Government, who may grant or refuse confirmation of the exemption.

The period of exemption shall be fixed according to the nature of every case, while nothing shall be charged for the granting thereof.

Claims belonging to estate of deceased person. Such claims are assets of the estate.

88. Claims belonging to the estate of a deceased person shall not lapse unless the executor fails to comply with the provisions of the law for thirty days after receipt of his appointment, or the confirmation thereof by the Orphan Master.

On further regular compliance with the provisions of the law, such claims shall be regarded as assets of the estate and shall be dealt with as such, according to the provisions of the Orphan Chamber Law.

Transfer and registration of portions of claims. Registered as separate claim.

89. Transfer and registration of portions of claims may be effected, provided a confirmed surveyor's diagram of such a portion be deposited at the office where the registration shall take place. Such a portion of a claim shall be considered and registered as a separate claim.

Licence holder not entitled to dispose of surface of the ground. Right of disposal belongs to the Government.

90. The possession of a licence for a claim shall not include the right of disposing of the surface of the ground, which right of disposal the Government reserves for itself, for the purpose of defining roads and other works, without, however, obstructing the working of the claim.

6. Stands.

Licensed digger entitled to stand for dwelling on his claim. No licence to trade.

91. Every licensed digger or prospector shall be entitled to a stand for his dwelling on his claims, for which stand he need not pay any licence moneys, and on which stand no licence to trade or carry on business may be granted or renewed.

Mining Commissioner shall grant to owners of mining properties the right to put up necessary buildings, &c. Diagram of ground required for buildings. Second peggers. according to Art. 66 not entitled to privileges of first paragraph.

The Mining Commissioner shall, subject to the approval of the Head of the Mining Department, grant to the owners of Mining properties which are being developed, as far as this is possible, without payment, the right to put up the necessary buildings, erections, and work places, exclusively for the benefit of the mining industry.

A proper surveyor's diagram of the ground required for such buildings, erections, and work places shall be filed with the application therefor.

The second peggers, referred to in Art. 66, shall not share in the advantages defined in the first paragraph of this article.

Person wishing to erect house on proclaimed field must make application for stand licence. Stand 50 by 50 feet.

92. Every white person who wishes to erect a shop, or houses, or dwelling on a proclaimed field, but not in stand townships, shall make application to the Mining Commissioner for one or more stand licences and produce a diagram clearly indicating the locality. The Mining Commissioner shall decide whether such application shall be granted or not.

Subject to the rights obtained under Second Volksraad Resolution, Art. 729, dated July 25th, 1894, each stand licence shall confer the right to a piece of ground of 50 by 50 feet on a locality approved of by the Mining Commissioner, but not on mining ground held under "mynpacht-brief" or claim licence.

Such stands shall be beaconed off by the licence-holder in such manner as the Mining Commissioner shall define.

Government may grant stands of larger size. Price.

The Government, in consultation with the Head of the Mining Department, shall, on the recommendation of the Mining Commissioner, have the right to give out stands of a larger size where it deems this necessary, under one licence. The price of such licence shall be fixed by the Government.

The price of a stand licence on proclaimed ground, of 50 by 50 feet, shall be 7s. 6d. per month. Stand licence, 7s. 6d. per month.

The stand licence, whether monthly or yearly, at the option of the applicant, shall be renewed either monthly or annually. Renewed monthly or annually.

When the payment of stand licences on proclaimed ground is three months in arrear, these stands shall be dealt with in the manner prescribed in Art. 94. If the new licence, however, is taken out within 14 days after the date of expiry by the former licence-holder, only the licence moneys for those days need be paid. When stand licences three months in arrear. If new licence taken out within fourteen days.

93. The Government shall have the power, when such is necessary in the public interest, to cause private proclaimed ground, after consultation with the owner, if possible, to be surveyed as it stands, and to cause it to be proclaimed as stand townships. The preferent right to or lease of these stands shall be publicly sold by the Government, and the proceeds of the sale, after deduction of the expenses, shall be paid to the registered owner or owners of the ground. Of the stand licence moneys received on such stand townships half shall go to the State, and the other half to the registered owner or owners. Government may proclaim private proclaimed ground as stand township. Preferent right sold publicly.

The Government shall also have the right to cause Government land as well as unproclaimed private land, after consultation with the owner of the ground, to be surveyed as stands, to proclaim it as stand townships, and to join the latter to an already proclaimed diggings and to place them under the jurisdiction of the Mining Commissioner, and the judicial officials of such diggings. For that purpose the Government may enter into contracts with the owners of the unproclaimed private land, which is proclaimed for the purposes of stands, with a view to laying out stand townships, which contracts shall be submitted for approval or disapproval at the first ensuing session of the Volksraad. Half of licence money goes to the State and half to owner. Government land and unproclaimed private land. Contracts with the owners. Confirmation by Volksraad.

Notice shall be given in the *Staatscourant* of all Government land intended for the purposes of stands, or already laid out as stand townships by the Government, or which, in accordance with the foregoing provisions may be laid out. The provisions of the foregoing article shall not be applicable to these stands. Government land for stands. Provisions of foregoing article not applicable.

The preferent right to or lease of stands situated on Government land shall be sold by public auction for the benefit of the State. Preferent right to stands on Government land to be publicly sold.

The preferent right to or lease of stands in stand townships on Government land and on private proclaimed land, mentioned in the first paragraph of this article, shall be granted for 99 years from the date of allotment, and shall be held as long as regular payment of the stand licence moneys due is made by the holder. Preferent right granted for 99 years.

This preferent right or lease shall give no right to compensation if the public diggings, on which the stands are situated, should be closed within the period of 99 years. No compensation if diggings closed.

The manner of the sale of and of payment for this preferent right or lease shall be regulated by the Government. Manner of sale regulated by Government.

94. After the preferent right to or lease of such stands has been publicly sold, stand licences shall be issued to the buyers. Stand licences issued to buyers.

The price of a stand licence in stand townships which have been approved and proclaimed on Government land and on private proclaimed land shall be 7s. 6d. for stands of 50 by 50 feet, and 11s. 3d. for stands 50 by 100 feet per month. Price.

In case a stand licence is not renewed at the proper time, the holder of the stand licence shall have the right to get back his stand under a new licence, within a period of three months thereafter, on payment of all the arrear licence moneys, and, as a fine, a sum of money equal to one quarter of the arrear licence moneys (extra licence moneys). If licence not renewed. Stand may be recovered within three months.

If the new stand licence, however, is taken out within 14 days after the day of expiry by the former licence holder, only the licence moneys for those days need be paid. If new licence taken out within fourteen days.

If such stands are not recovered by the former holder within the said three months, the head of the Mining Department shall cause the preferent right to or lease of such stands to be sold by public auction, under the supervision of the Mining Commissioner, of which sale at least one month's previous notice shall be given in the *Staatscourant* and After three months' preferent right sold. Month's notice.

Balance paid to former licence holder.

in a local paper. When on the public sale of the preferent right to or lease of a stand the proceeds exceed the amount of the arrear and extra licence moneys, the balance shall be paid back to the previous holder. In the event of its proving unsaleable the stand shall be at the disposal of the Government.

Head of Mining Department bound to give back stamps before sale.

The head of the Mining Department shall, however, be bound, before such sale takes place, to give back the stand or stands in question to the former holder or holders, if the latter make application therefor, on payment of all arrear and extra licence moneys, as well as the costs incurred in connection therewith.

Manner of sale regulated by Government.

The manner of sale of and of payment for this preferent right or lease shall be regulated by the Government.

No stand townships on land under "mynpacht-brief" or concession.

95. It shall not be lawful to grant stand townships on land given out under "mynpacht-brief" or on land held under mining concession.

96. It shall not be lawful to alter claims into stands.

Alteration of claims into stands forbidden.

No prospecting or diggers' licences to be issued on stands, &c.

No prospecting or diggers' licences shall be issued on stands surveyed or yet to be surveyed on proclaimed ground held under contracts entered into for the purpose with the Government before the coming into operation of this Law, as well as on streets, squares, or pieces of open ground in existing stand townships.

When stands form a village.

97. Where at the time when this Law comes into force in conflict with the provisions of Art. 95 and 96, or, where on private proclaimed farms, or on unproclaimed private land, adjacent to or situated in proclaimed diggings, small pieces of land (whether called stands or otherwise), situated together, given out under lease or licence are found, so that they together, in the opinion of the Government, form a village, it shall have the

Special tax.

right to impose a special tax of two shillings and sixpence per month per stand on the companies, syndicates, concessionaries, or private persons who are owners of stands as indicated in this article.

Notice.

Notice hereof shall be given in the *Staatscourant*.

Monthly payment.

When renewal of licence may be refused.

When owners receive stand licence moneys they are held responsible for special tax.

The payment hereof shall be made at the same time as the payment of the moneys due for stand licences or rent, on the receipts for which the receipt thereof must be noted, in so far as these moneys are paid to the Government. For the rest, payment shall take place monthly at the office of the Mining Commissioner. If payment of this tax on a stand is in arrear the renewal of the licence for such stand may be refused in so far as such payment takes place at the office of the Mining Commissioner. Where the owners themselves receive the stand licence moneys they shall be held responsible for the amount of such arrear special tax.

Transfer and registration of portions of stands.

98. Transfer and registration of portions of stands may take place provided a confirmed surveyor's diagram of such portion be deposited in the office where the registration has to take place.

Portion registered as separate stand.

Such a portion of a stand shall be considered and registered as a separate stand, for which a separate stand licence shall be due as follows :— For portion of stands of 50 by 50 ft., 3s. 9d. per month ; and for portion of stands of 50 by 100 ft., 5s. 9d. per month.

Tax payable.

On such a portion of a stand the whole tax of 2s. 6d. mentioned in Art. 97 shall be payable.

Registration of transfer of claims.

Stamp dues.

99. The registration of transfer of claims and stands and portions of claims and portions of stands shall be effected at the office of the Mining Commissioner or responsible clerk concerned, while the same stamp dues shall be levied in accordance with Law No. 5 of 1882.

Stands for machinery.

100. The company or the person importing machinery to work one or more claims shall, for the purpose of erecting such machinery, where this is practicable without encroaching upon the rights of others, have the right to acquire stands in extent 150 ft. square on a locality which is not known to contain precious metals.

For this purpose, written application, accompanied by a proper surveyor's diagram, shall be made to the Mining Commissioner concerned, who may grant such application if there are no well-founded objections thereto. Written application and diagram.

The price of such a machinery stand licence shall be 2s. 6d. per month per stand. Price.

7. Special Registration.

101. Every digger's claim, or every block of amalgamated digger's claims, may be specially registered in the manner hereunder set forth. Special registration of claims.

102. Persons wishing to have their claims or blocks of claims specially registered shall make application therefor to the Mining Commissioner concerned. Application for.

This application shall bear a stamp as laid down in Art. 70, and shall be accompanied by a diagram framed by an admitted surveyor. The application with diagram shall lie at the office of the Mining Commissioner for a period of one month for the inspection of the public. Stamp. Diagram. Inspection of application.

The Mining Commissioner shall thereupon issue a notice to the applicant, wherein day and date of hearing shall be fixed. (Between date of publication of notice and date of hearing there shall be a period of at least one month.) Notice.

This notice shall be published once in the *Staatscourant* and twice in a local newspaper. Publication of notice.

The Mining Commissioner may grant the application if, before the said hearing, no notice of objection has been given to the Mining Commissioner and the applicant, and, for the rest, the Law has been complied with, and the special registration shall then be effected as herein further set forth. A notice of objection shall bear a stamp of 5s., according to Art. 70. Mining Commissioner may grant application. Stamp on notice of objection.

Should such a notice of objection be received by the Mining Commissioner before the said hearing, the special registration shall provisionally stand over. When notice of objection received.

The person objecting shall take legal proceedings against the applicant to have his objection declared valid within ten days after notice of objection. Objector must take steps within ten days.

This declaration of validity may be asked for by application. The official charged with the civil jurisdiction on the field shall have jurisdiction herein, and he shall give such order regarding the special registration as he may deem necessary. Application. Who has jurisdiction herein.

In case the application for special registration of a claim or claims is granted, such registration shall be effected in a separate register to be opened for the purpose, the form of which shall be prescribed by the head of the Mining Department. Separate register. Form of.

A certificate of such special registration shall be issued. Certificate of special registration.

This certificate shall bear a stamp of a value calculated at the rate of 10s. per claim. Stamp.

No certificate shall be issued unless all moneys due on the claim or claims have been paid. No certificate unless all moneys paid.

103. It shall not be lawful for the Mining Commissioner to bring back under prospecting licences specially registered claims on which a bond has been passed. Specially registered claims on which bond has been passed may not be brought under prospecting licences.

104. Article 85 shall not be applicable to specially registered claims. Article 85 not applicable.

When the payment of diggers' licences for such claims is six months or more in arrear, the Mining Commissioner shall demand payment of the same in the *Staatscourant* and also in a local newspaper. When licence in arrear. Demand.

The Mining Commissioner shall be obliged to make this demand immediately after the expiry of the said six months, and at the same time to give written notice thereof to the bondholders per registered letter. Notice to bond holders.

If payment not made within three months. Claims publicly sold and special registration lapses.

In case the payment of all moneys due is not made within three months after the date of the publication of the demand, the claim or claims shall be publicly sold, in which case the special registration on such claims shall lapse.

Date of sale to be published.

The date of sale shall be published in the *Staatscourant* and also in a local newspaper at least fourteen days previously.

Half of excess to owner of farm and half to the State.

Out of the proceeds all moneys owing to the Government shall first of all be paid. In such moneys an amount of £2 10s. per claim shall be reckoned as a fine and for costs. Should the claims realise more than the amount of the fines and expenses, half of the excess shall be paid to the owner of the farm, and the other half shall be deposited in the public treasury.

If claims not sold.

If the claims are not sold at the public action, the head of the Mining Department shall be bound to declare such claims as open ground thirty days after the date of the sale, when the ground may be pegged off by the public.

Article 104 applicable to claims for special registration of which application has been made.

105. Article 104 shall also be in force with regard to diggers' claims or amalgamated blocks of diggers' claims, for special registration of which application has been made in terms of Art. 102, but provisionally and only so long as progress is made with the application, according to the provisions and within the terms laid down in Art. 102, until such application shall be granted or refused.

Mortgage on specially registered claims.

106. On specially registered claims a mortgage may be given, at the office of the Mining Commissioner concerned, just as on fixed property, the registration of which shall be effected at the office of the official named, and not at the office of the Registrar of Deeds.

Same provision as in case of immovable property.

The same provisions shall hold good in this respect as in the case of a mortgage on immovable property, such as *inter alia* with regard to the rights of creditors and sales in execution ; also as regards the drawing up of deeds of hypothecation and mortgage bonds and the persons entitled to do so.

Stamp dues.

The stamp dues, as laid down by the Law with reference to fixed or immovable property, shall also apply here.

Special registration of stands. No publication of notice. Certificate of.

107. Stands on proclaimed ground, proclaimed townships or townships approved by the Government, may be specially registered in the same manner as hereinbefore prescribed with reference to diggers' claims ; no publication of a notice, however, shall be necessary, and the Mining Commissioner may in this case immediately grant the special registration and issue a certificate thereof, should he have no objections against the same.

In case of stands in townships created in terms of Art. 93, written permission of owner necessary.

When these stands are situated in stand townships, which have come into existence by virtue of a contract with the Government in accordance with Art. 93, written permission from the owner of the land for the purpose shall be produced before special registration is granted by the Mining Commissioner.

Payments of licences on specially registered stands.

108. With regard to the payment of the licences on specially registered stands, the rules prescribed in Art. 104 with reference to specially registered claims shall apply.

If stand unsaleable it reverts to the Government or owner of township.

If the stand or stands proves or prove to be unsaleable at the public auction it or they shall revert to the Government, or in cases where contracts exists, to the owner of the stand township.

Mortgage on specially registered stands.

109. A mortgage may be effected, on specially registered stands, under exactly the same provisions as are herein laid down with respect to mortgage on specially registered claims.

8. Bezitrecht.

What "bezitrecht" includes. May be transferred. Indisputable.

110. A bezitrecht shall include all rights obtained under permit, contract, or licence, and may be duly transferred, either wholly or in part, by those entitled thereto, and such bezitrecht shall be indisputable.

Unless obtained by fraud.

All bezitrechten granted according to Law shall be indisputable and unassailable in Law, unless they have been obtained by fraud on the part of the possessor thereof.

111. The Government shall have the right, either in consultation with or on the recommendation of the head of the mining department, to instruct the surveyor-general to cause worked or developed diggings, or portions thereof, to be surveyed, after notice of at least six weeks, in manner provided for in Art. 112, second paragraph, in such a manner that every water-right, "mynpacht," water-course or pipe, digger's claim, or block of diggers' claims, or any other right or permit necessary for the development of the diggings, shall be properly reduced to diagram, and shall also be shown in a general compilation diagram or plan.

Government may instruct surveyor-general to have developed diggings surveyed. Diagram and general compilation plan.

These diagrams shall be confirmed by the surveyor-general according to Art. 73. When such diagrams are once confirmed and signed, no objection to the boundaries fixed by this survey shall be taken into consideration by any court. Should it appear that such a diagram has been incorrectly framed, it shall be amended or cancelled by an order of the High Court, and a new diagram shall then be confirmed in the usual manner.

Confirmed by surveyor-general. No objection can be made when diagram once confirmed. Cancellation or amendment by order of High Court.

Such cancellation shall take place in accordance with the Law on the general survey by the surveyor-general at the request of the owner.

Cancellation in accordance with Law on general survey.

112. As soon as possible after this survey the Mining Commissioner concerned shall issue a notice containing the name of the owner or possessor of the rights, the description of the rights, the number of the diagram having reference thereto, and at the same time calling upon all persons who wish to make objections against the same to do so.

Notice calling for objections.

Such notice shall be published in the *Staatscourant* during three months, and shall further be posted at the office of the Mining Commissioner within whose jurisdiction the land is situated or at the office of the nearest Landdrost, and the diagram or diagrams having reference thereto shall, during that period, lie for inspection at the office of the Mining Commissioner concerned.

Publication in *Staatscourant*. Diagrams to lie for inspection.

113. Should no objection be lodged within the stated term, the Mining Commissioner shall issue to the person entitled thereto the diagram confirmed by the surveyor-general, according to Art. 73, registered and signed, besides a certificate of "bezitrecht" in the form to be prescribed by the head of the mining department.

If no objections. Confirmed diagram issued. Certificate of bezitrecht.

114. Should objections be lodged with the Mining Commissioner, he shall appoint a day on which the objection or case shall be heard by him.

Day fixed for hearing objections.

Such objections shall bear a stamp, in accordance with Art. 70.

Stamp.

The Mining Commissioner shall decide, awarding the rights to the person who, in his opinion, is entitled to the same.

Mining Commissioner decides.

If one of the parties is dissatisfied with this decision, he shall be obliged to institute an action in the High Court or Circuit Court within three months after the date of the decision of the Mining Commissioner, in default of which it shall be considered that the decision of the Mining Commissioner is final, and the diagram and certificate of "bezitrecht" shall be issued in accordance with his decision.

Dissatisfied party must institute action within three months.

115. In case of an action, the Mining Commissioner shall issue diagram and certificate of "bezitrecht" according to the judgment of the Court.

Certificate of bezitrecht in accordance with judgment of Court.

116. Parties interested shall be obliged to take out duplicates of the confirmed diagrams within two months after notice from the Mining Commissioner on payment of a sum to be decided upon by the Government, in proportion to the expenses incurred by the Government in connection therewith.

Parties must take out duplicates of confirmed diagrams.

Should the party interested neglect to take out these diagrams within the two months as herein above mentioned, they shall incur a penalty not exceeding £10. The Mining Commissioner shall give them notice that on failure to take out diagrams within one month after the fine has been inflicted, the renewal of their licences, or confirmation of their rights, may be refused.

Penalty for not doing so. Renewal of licences may be refused if duplicate not taken out within one month after the fine.

117. Every person or company in possession of a claim, block of claims, or water-right, truck ways, machinery stands or water-courses, or any other right or permit necessary for the development of the diggings, may deposit with the Mining Commissioner

Application for certificate of bezitrecht

an application in writing, properly signed, and accompanied by a confirmed surveyor's diagram of the claims or water-right, for an investigation of his or its claims to a certificate of "bezitrecht."

Investigation by Mining Commissioner.

It shall thereupon be lawful and compulsory for the Mining Commissioner to institute an investigation with regard to such claims. If it appears after such investigation that there exists no doubt as to the legality of the rights of the applicant, then he shall immediately issue a certificate of "bezitrecht."

Certificate granted at once where no doubt exists.

Where it shall appear that the formal legal proof of "bezitrecht" is defective owing to :—

When the Mining Commissioner may grant certificate, notwithstanding certain defects.

(*a.*) Transfer not having been passed ; or

(*b.*) Any defect in the competency or the authority of any person who may have given transfer, or may have pretended to give transfer ; or

(*c.*) The death or absence of the person in whose name the rights in dispute may be registered ; or

(*d.*) The original acquisition of claims through defective or false powers of attorney or otherwise, provided that the person making application for the "bezitrecht," or who holds it, shall not have been a party to the making of such a false power of attorney, and is a *bonâ fide* possessor ;

then the Mining Commissioner shall, nevertheless, have the right to issue to such applicant a certificate of "bezitrecht" signed by him. Before this certificate of "bezitrecht" is issued, transfer duty shall be paid according to the valuation of the Mining Commissioner on these claims.

Transfer duty to be paid.

Before the issue of such a certificate of "bezitrecht," however, it shall first be proved that the applicant has been for at least twelve successive months in peaceful possession and enjoyment, and entitled to claim the rights for which he has made application, and whether or no the right of the applicant is clear, the Mining Commissioner shall not immediately issue a certificate of "bezitrecht" to him, but shall publish a notice asking for objections to the issue of such certificate of "bezitrecht" to be made within one month from the date thereof.

Twelve months' peaceful possession.

Mining Commissioner publishes notice calling for objections.

Such notice shall be published three times in the *Staatscourant* in the Dutch language, and at least once in the local newspaper, and shall indicate as clearly as possible the situation of the property, the nature of the rights claimed in respect thereof, the name of the person who makes the claim, and in case any other person is registered as the holder, the name of such person.

Contents of notice.

If no objections, decision of Mining Commissioner final.

Should no objections be lodged within the said one month, the decision of the Mining Commissioner shall be final.

Mining Commissioner decides.

Should objections be lodged, the Mining Commissioner, as such, shall decide thereupon, and the proceedings shall be in accordance with the provisions of Art. 114.

Stamp.

On a certificate of "bezitrecht" for claims or blocks of claims and machinery stands, a stamp duty shall be paid of five shillings per claim, stands and machinery stands, and on other certificates of "bezitrecht," a stamp of ten shillings shall be placed on each certificate.

9.—Underground Mining Right.

Where prospecting and digging are prohibited.

118. It shall not be lawful to prospect on or in towns, villages, stand townships, public squares, streets, roads, railways, cemeteries, erven, stands, permanent fortifications, locations (with the exception of those indicated under Art. 49), townlands, gardens, storage sites (bewaarplaatsen), machinery stands, water-rights, and places where tailings lie heaped up, and such localities as may be pointed out by the Mining Commissioner in accordance with Arts. 13, 14, and 53, as also within a certain distance from the aforementioned localities to be defined by the Government by proclamation.

10.—Water Rights.

State President may make provisions *re* the making muddy of rivers, &c.

119. The State President shall have the right, in reference to the pollution or making turbid of rivers or watercourses by gold mining companies, gold diggers, or other

companies or persons, to take measures and to make provisions in accordance with Art. 4 of this law.

120. With reference to the division of water, it shall be left to the Mining Commissioner of every proclaimed field, subject to the approval of the Government, after consultation with the head of the mining department, to make such regulations with respect to the division of water as may be considered fair and reasonable according to the circumstances of such field, regard being had to the rights of private owners. Division of water by Mining Commissioner.

With reference to public fields, it is expressly declared that no digger, under any circumstances whatever, shall have any proprietary right in the water running in any river, watercourse, or constructed water furrow. He shall only have the right to use the said water according to law or regulations. In cases where, under certain circumstances, damages must be paid, the value of the water shall not be taken into consideration. No proprietary right in water. Value of water not taken into consideration in fixing compensation.

The Government may, by agreement, grant special water-rights on Government land, and also for the public benefit on proclaimed private land. Special water rights.

121. Holders of "mynpachts" and properly developed digger's claims, shall be entitled to obtain water-rights. Who entitled to water-rights.

Workers of tailings shall have the right to obtain water-rights under such regulations as the Mining Commissioner, after consultation with the head of the mining department, may grant thereanent. Workers of tailings.

122. Should it appear that irregularities have taken place, such as for example, when on the granting thereof they were not connected with claims, "mynpacht," or right to work tailings, or when such mining right for which they were granted has already lapsed, then no certificate of "bezitrecht" shall be issued for such water-rights, and they shall not be confirmed by the head of the mining department. Where there are irregularities no certificate of bezitrecht will be granted.

123. In future, no water-rights shall be granted on proclaimed land which are not connected with claims, "mynpacht," or a right to work tailings, except with the express permission of the Government. No water-rights granted unless connected with claims, &c.

124. Applications for water-rights shall be made to the Mining Commissioner, and every application shall bear a stamp of the value of 5s., and shall be accompanied by plans in quadruple, framed by an admitted land surveyor, which shall contain such connections and particulars as shall be desired by the surveyor-general. The plans shall be signed by the claim inspector as being in conformity with the beacons. Application for water-rights. Stamp. Plans must be signed by claim inspector.

The applications shall be made in such form as from time to time may be prescribed by the head of the mining department.

The same provisions with regard to validity and cancellation of incorrect diagrams, laid down in Art. 111 of this Law, shall hold good for diagrams to be confirmed under this article or diagrams already confirmed by the surveyor-general. Provisions of Art. 111 applicable.

125. A notice of these applications shall be published three times in the *Staatscourant* and at least once in a local newspaper by the applicant. This notice shall be issued by the Mining Commissioner in the form fixed by the head of the mining department. Notice of application to be published.

The applications with plans shall at the same time lie at the office of the Mining Commissioner during one month for inspection by interested parties, who may lodge their objections, which shall bear a stamp of the value of 5s. in accordance with Article 70, with the Mining Commissioner concerned within that period. Stamp on objections.

Should those objections be found groundless by the Mining Commissioner, after hearing the parties, he may grant the application. Mining Commissioner decides.

If more than one applicant make application to obtain one and the same water-right, the Mining Commissioner, after having heard the parties, shall decide who is entitled thereto.

There shall be an appeal within fourteen days from the decision of the Mining Commissioner to the head of the mining department, whose decision shall be final. Appeal to the head of the mining department.

Grants of water-rights must be confirmed by the Head of the Mining Department.

126. All grants of water-rights shall be sent up to the Head of the Mining Department for confirmation, accompanied by a copy of the application, the plans, and the report of the Mining Commissioner regarding the desirability, or otherwise, of the confirmation, and regarding the consideration of the objections, if there were any. In future no water-rights shall be considered valid unless confirmed by the Head of the Mining Department, or included in a certificate of "bezitrecht"

No water-rights valid unless confirmed or included in certificate of "bezitrecht."

Water-rights used for motive power.

127. On all water-rights intended or used for motive power the sum of 1s. per month shall be paid for each horse-power for each water-right not exceeding ten horse-power, and 2s. 6d. per month for each horse-power above ten horse-power. Licenses on claims with which a water-right is connected, and on which water-right the payment in accordance with this Article must be made, shall not be renewed unless the moneys due on the water-right have been duly paid.

Licences on claims not to be renewed unless moneys due on water-right duly paid.

When water-right lapses. Last holder has preferent right to recover water-rights.

128. On the lapsing of claims or "mynpacht" or of a right to treat tailings, the water-right granted for the working of such claims, "mynpacht," or tailings, shall lapse likewise. The last holder of such water-right shall, however, during one month after the date on which the above-mentioned mining right lapsed, have a preferent right to recover the water-right for working other claims, "mynpacht," or tailings, belonging to him, upon sending in a new application for the same in the usual manner.

When water-right not properly used Mining Commissioner gives notice to owner. Day of hearing. Mining Commissioner to keep minutes. Appeal to High Court.

If the Mining Commissioner thinks that proper use is not being made of a water-right, he shall give notice to this effect to the registered owner of such water-right, calling upon him at the same time, to show cause why his water-right shall not be declared to have lapsed, and he shall fix a day at least three months after the date of such notice, to enable the owner to be heard. At the hearing of the matter the Mining Commissioner shall keep proper minutes, which minutes, together with his report, he shall thereupon send to the Head of the Mining Department. If the Head of the Mining Department declares the water-right to have lapsed, the owner thereof shall have the right to bring such decision in review within one month after the date thereof before the High Court.

Cannot be cancelled if claims are worked.

Provided, however, that no water-right shall be declared to have lapsed if the claims, "mynpacht," or any other rights to which the water-right is attached, or any of them, are worked or developed at any time before the published date of the proposed cancellation, or if any claim or claims or any portion of any "mynpacht," or other rights, belonging to the owner of the water-right in connection with which the water-right can be used, is or are being used or developed.

Lapsed water-right cannot be pegged as claims.

A water-right which has lapsed in this way shall not be pegged off as claims, but shall be renewed for the purposes of a water-right.

Water-right may be transferred independently of the claims. Transfer to be registered.

129. A water-right may be transferred from one owner to another without transferring the claim or claims, "mynpacht," other mining rights, or rights to work tailings to which it is attached, provided that at the time of such transfer the water-right is attached to another claim or other claims, "mynpacht," other mining rights, or rights to work tailings, belonging to the person to whom it is transferred, and provided such transfer be properly registered at the office of the Mining Commissioner.

Water-right may be attached to other claims, &c., provided alteration be registered.

If the owner of a water-right attached to certain claims, "mynpacht," other mining rights, or rights to work tailings, wishes to attach such water-right to certain other claims, "mynpacht," other mining rights, or rights to work tailings, belonging to him, he may do so, provided such alteration be properly registered at the office of the Mining Commissioner.

Running water may not be dammed up. Water obtained by artificial means.

130. No owner of a claim shall have the right to dam up natural or running water for his own use to the detriment of the other claim holders, unless he has taken out a water-right according to this Law. Water obtained by artificial means shall not fall under this provision.

11. Right to Firewood.

Firewood on Government land. Permit for.

131. A permit may be obtained for the right to cut or carry away firewood on or from Government ground, reckoned at the rate of one pound (£1) per wagon load, seven shillings and sixpence (7s. 6d.) per Scotch cart load, and sixpence (6d.) per one person's load.

The said permits may be obtained on Government land from the Mining Commissioner or Responsible Clerk. In regard to the cutting of wood on private land, an agreement shall be entered into with the owner. Cutting wood on private land.

If a person pegs off a piece of land as a claim, on which wood grows, he shall not be entitled to cut and carry away such wood for sale or trading purposes. Claim-holder may not cut wood for sale.

With regard to private land, these sums shall be repaid to the private owners. Private lands.

Any person cutting or carrying away wood without a permit, or without leave from the owner, shall be punished with a fine not exceeding £25, or, in default of payment, with imprisonment not exceeding six months, over and above the claim for damages for the wood cut or carried away. Penalty for cutting wood without permit.

If it be found that more wood is being carried away under a permit than the permit gives a right to, the offender shall be punished with a fine not exceeding £50, or, in default of payment, with imprisonment, with or without hard labour, for a period not exceeding twelve months. Penalty for carrying away more wood than permit entitles to.

The person who reports such contraventions shall be entitled to half of the fines paid. Informant entitled to half of fines.

132. Any white person or family shall, however, be at liberty to obtain wood without payment from Government land for his or their own domestic use, under permit to be obtained from the Mining Commissioner, Responsible Clerk, Justice of the Peace or Field Cornet, on payment of 1s. per month per permit, under which permit no more than one wagon load of firewood may be removed, such permit to be renewed monthly. Wood for domestic use gratis on Government land. Permit. Renewal.

Chapter IV.

Provisions of a Miscellaneous Nature.

133. No coloured person may be a licence holder, or in any way be connected with the working of the diggings, but shall be allowed only as a workman in the service of whites. Coloured person.

134. Any person digging a water furrow through a roadway or footpath which is used, shall construct a sufficiently safe bridge, failing which any person may fill up the furrow, and the offender shall further be liable to a fine of from £1 to £10, or in default of payment to imprisonment, as laid down in Article 6. Bridge over water-furrow. Penalty for not constructing.

Any person who in any other way closes or obstructs a road or foot-path shall be subject to the same fine. Obstructing roadway.

135. Any person removing ore from the claim, "mynpacht" or concession of another, or from ground falling under Article 118, shall be responsible for all damages, and shall, moreover, have to pay as compensation three times the value of what has been taken by him, apart from the criminal prosecution to which he exposes himself. Removal of ore from claim of another. Penalty.

Any person who shall be guilty of altering shifting or removing the beacons of a claim, shall be punished with a fine not exceeding £100, or in default of payment, with imprisonment as laid down in Article 6. Removing, &c., beacons of a claim. Penalty.

137. Anyone who shall be guilty of damaging or destroying a mine, claim, machinery, watercourse or other mine property or belongings, or even shall be guilty of attempting to commit the said crimes, shall be punished with a fine of from £100 to £1,000, or with imprisonment with hard labour for a period of from one to ten years, according to the nature of the case. Damaging mining property. Penalty.

138. Subject to the provisions of Article 66, every person who shall be guilty of pegging off claims belonging to others and which are in proper order according to law, shall be punished with a fine of not less than £25, and not more than £100, per claim thus pegged off, or with imprisonment as laid down in Article 6. Pegging claims belonging to others.

Every inhabitant must assist to preserve public order.

139. Every inhabitant or licence holder shall, when called upon, render assistance for the preservation of public order under penalty of loss of licence and a fine not exceeding the sum of £25.

High treason, &c.

140. Every one within the boundaries of a proclaimed field and every holder of a claim, "mynpacht," or concession, or every shareholder in a syndicate or company which is owner of a claim, "mynpacht," or concession, who commits the crime of public violence, treason, or high treason against this Republic shall, over and above the punishment fixed by Law for such crime, forfeit all his property, both moveable and immoveable, for the benefit of the State.

Forfeiture of property,

When company may be ordered to continue work.

When the cessation of work on a mining concern may not, in the opinion of the Government, after proper investigation, for preponderant reasons of public interest, continue any longer, the holder or worker of the "mynpacht," claim or concession, shall be bound to renew development within a defined time on receiving an order to do so.

Penalty for not complying.

On refusal or non-compliance, the "mynpacht-brief," claim licence or concession may be withdrawn by the Government, without prejudice to the rights of bond holders.

N.B.—This Article has been suspended by the First Volksraad, in order to make the Second Volksraad to reconsider it.

Special licence for trading in precious metal.

141. No person may carry on any trade whatsoever in unwrought precious metal, under which is included the buying or selling, the bartering or exchanging of such unwrought precious metal, unless he has a special licence to do so, for which he shall pay £25 per annum ; provided that the individual digger or a company need not take out any licence for the sale of the unworked precious metal dug out or found by him or it, personally or on his or its instructions.

Exception.

Buyer must convince himself that seller is entitled to sell.

No one may buy any unwrought gold unless he convinces himself that the seller is entitled to sell, for which purpose the latter shall deliver to the purchaser a certificate issued by the mining commissioner of the goldfield, or the Landdrost of the district.

Trading in unwrought precious metal without special licence.

142. Any person who deals in unwrought precious metals as laid down in Art. 141, without having a special licence for the purpose, or who is found in possession thereof, and cannot give any proof that he came into possession thereof in a lawful manner, shall be punished with a fine not exceeding £500, or imprisonment with or without hard labour, for not more than two years, or both together, according to the nature of the case, for the first offence. For the second offence he shall be punished with a fine not exceeding £1,000 or three years' imprisonment, with or without hard labour, or both together, and for any further offence with a fine or imprisonment, or both together in the discretion of the Court.

Being in possession thereof.

Penalty.

Unwrought gold given back to owner or forfeited to State.

The unwrought gold which is found in his possession shall, by order of the judge who passes sentence, be given back to the owner, if he is known, and otherwise be declared forfeited in favour of the State.

Dealer in unwrought precious metals to keep books.

143. A licensed dealer in unwrought precious metal shall keep such books of his business as the Government shall from time to time deem expedient to determine, and the said dealer shall send up to the inspector of mines monthly, on the first day of each month, a true and sworn copy of such books, and in such form as the Government shall from time to time prescribe.

Examination of books.

The Government shall have the right at any time to cause such books to be examined.

Penalty.

Every contravention of this article shall be punished with a fine not exceeding £50, or in default of payment, with imprisonment as laid down in Art. 6.

Bank Managers, &c., who buy, &c., unwrought gold must make declaration.

144. The managers of banks, shopkeepers, agents, and in general all persons who buy, sell, exchange, take or give for safe keeping, or despatch unwrought gold shall be obliged to send in, thereanent, before or on the 15th of each month, to the office of the inspector of mines concerned, a declaration in duplicate for the last preceding month.

In case no inspector of mines' office is established on or near the place where the transaction takes place, such declaration shall be forwarded to the mining commissioner,

responsible clerk or landdrost of the district. These declarations shall be made according to the forms prescribed for that purpose by the State mining engineer.

Contraventions of this provision shall be punished with a fine not exceeding £50, or, in default of payment, with imprisonment for a period not exceeding three months.

The persons who are obliged according to this article to make monthly returns may obtain the forms required for the purpose for one or more months in advance at the offices of the officials to whom the declaration must be forwarded, either by personal application or in writing by post, and shall be liable for the consequences when they do not provide themselves with the forms early enough.

Forms required.

The forwarding of the returns may be effected by personally handing them in at the appointed office, or by post, in which latter case the letter must be registered, and the sending-in shall be considered to have taken place on the day that the return was sent by post. Should the last day of the time for sending in fall on a Sunday or public holiday, the return shall be made on the previous day.

When last day is a Sunday returns must be made the previous day.

145. Every one trading without a trading licence shall be liable to the penalties laid down by the law of the land ; subject to the provisions of Arts. 22, 25, 31, and 32, and to the right granted to the discoverer by Art. 44, shall further be punished with a fine of not less than £5, and not more than £25, or, in default of payment, with imprisonment as laid down in Art. 6, for every contravention :—

Trading without trading licence.

Penalty for.

(*a.*) Any person who digs or prospects for precious metal without licence.

Digging or prospecting without licence.

(*b.*) Any person who beacons off a claim or claims without prospecting or digger's licence. Moreover such beaconing off shall be considered unlawful, shall not be recognised, and shall entail no right whatever.

Pegging without licence.

(*c.*) Any person who, with or without licence, digs or prospects for precious metal on Government land which has not been proclaimed for the purpose by the Government, unless special permission has been given by the Government. This special permission, however, shall not be given for longer than twelve months, and shall lapse if, within the six months after date of the permission, no prospecting has been begun.

Digging or prospecting on unproclaimed Government land. Special permission.

(*d.*) Any person who, with or without licence, prospects or digs for precious metal on unproclaimed private land.

Digging or prospecting on unproclaimed private land.

146. It shall not be lawful for any person to pay his servants in unwrought precious metal, under penalty of a fine not exceeding the sum of £100, or in default of payment, of imprisonment as laid down in Art. 6, besides forfeiture of such unwrought precious metal in favour of the State.

Servants may not be paid in unwrought precious metal. Penalty. Forfeiture.

147. Every person who digs for gold or precious metals according to Art. 2 of this law, whether it be on his own or on another's account, shall show his licence if such is desired by an official declared competent by the law or the Government for that purpose, and in default thereof he shall be punished with a fine of from £1 to £3 and, failing payment, with imprisonment not exceeding 14 days.

Digger must show his licence when requested.

148. Any one purchasing, bartering, or accepting unwrought precious metal, from coloured persons, either on a proclaimed public field or elsewhere within the boundaries of the South African Republic, shall be punished with a fine of not more than £1,000, or imprisonment, with or without hard labour, for a period not exceeding the term of five years.

Purchasing unwrought precious metal from coloured person. Penalty.

The unwrought gold which is found in his possession shall, by order of the Judge who passes sentence, be given back to the owner, if he is known, and otherwise be declared forfeited in favour of the State.

Gold given back to the owner or forfeited.

149. A coloured person selling, bartering, handing over or receiving unwrought precious metal, or being found in possession of unwrought precious metal, shall be punished with lashes not exceeding fifty in number, and imprisonment for a period not exceeding five years with or without hard labour.

Coloured person selling unwrought metal. Penalty.

Forfeiture. The unwrought gold which is found in his possession shall, by order of the Judge who passes the sentence, be given back to the owner, if he is known, and otherwise be declared forfeited in favour of the State.

Coloured person must have pass. **150.** Every coloured person of African origin within the boundaries of a public diggings shall be bound to have a monthly pass, which shall be obtainable at the office of the mining commissioner or other persons appointed for the purpose, on payment of a sum calculated at 1s. per month, except in cases where Law No. 31 of 1896 is in force.

Penalty. For every contravention of this article the offender shall be punished with a fine of five shillings, or, in default of payment, with a number of lashes not exceeding 10.

Where article applicable. This article shall apply also to coloured labourers exclusively employed in mining and digging on private unproclaimed land and on private farms where, according to Article 23, a written permit has been obtained, and on land which is worked under concession or mynpacht, and also on Government land and stand townships.

Penalty for coloured person misbehaving himself in service. **151.** A coloured person who has entered into a contract, whether verbally or in writing, to serve his master as domestic servant, or as a shop or warehouse servant, or to assist him in working a claim, machinery, or water furrow on any proclaimed field, and who leaves his master's service without permission, or who is neglectful, or refuses to do any work in discharge of his duty which can be asked and required of him according to law, or who uses threatening and insulting language towards his master, his master's wife, or any other person placed in lawful authority over him, shall be punished with a fine not exceeding the sum of £2, or with imprisonment with or without hard labour, for a term not exceeding one month, or with lashes not exceeding twenty-five in number.

White servant. A servant as above mentioned, not being a coloured person, found guilty of any of the offences described in this article shall be punished with a fine not exceeding £5, or with imprisonment, with or without hard labour, for a term not exceeding three months.

Duties of mining commissioner The Mining Commissioner shall further, within the limits of the field over which he is appointed, have the same duties and rights which, according to Law 11, of 1892, Landdrosts have, except on fields where Special Landdrosts have been appointed.

Concluding Provisions.

152. All earlier Laws, resolutions of the Volksraad, legal provisions and regulations concerning diggings, in conflict with this Law, and more especially the Laws, resolutions of the Volksraad, legal provisions and regulations mentioned in Schedule B of this Law, are hereby repealed, with the exception of Art. 1, 261, First Volksraad Resolution, dated August 25th, 1896, with the reservation of all rights and claims acquired under those Laws, resolutions of the Volksraad, legal provisions and regulations.

Operation. **153.** This Law shall come into operation on November 1st, 1898.

SCHEDULE A.

Conditions of Sale of Claims that have lapsed to the Government, referred to in Art. 85 of this Law.

Public auction. 1. The sale shall take place by public auction for cash to the highest bidder, and payment together with the licence money from the date of purchase, shall be due to the Mining Commissioner or his subordinate immediately after purchase, and in default of payment the property shall immediately be put up to auction again, and the loss sustained in consequence of a smaller price being obtained shall be charged to the first purchaser.

Notice. 2. Of such public sale a notice shall be published in the *Staatscourant* and in a local newspaper, at least 14 days beforehand.

Government does not guarantee existence, size, etc., of claim. 3. Seeing that there are in some instances no diagrams in existence, and the situation of the claims is unknown to the mining commissioner or the claim inspector, the Government does not guarantee the existence, size, situation, extent, or otherwise of the claims, nor can it undertake to point out the claims to purchasers.

Diagram. 4. The purchasers of lapsed claims shall file with the mining commissioner, responsible clerk, or Landdrost, within two months, a proper diagram of their purchased claims, as provided by Art. 71 of the Gold Law.

5. If any dispute arises through these claims trespassing upon, or being trespassed upon by, claims of previous or subsequent peggers, the sale of such claims in dispute shall lapse, and the purchasers shall get back only the money paid by them on such claims, but shall not be entitled to any compensation. If dispute arises sale lapses.

6. In case water rights, storage sites (bewaarplatsen), machinery stands or any other rights are attached to lapsed claims, the purchasers of such claims shall not be able to lay claim to such rights, or to obstruct such rights in any way. Purchasers of lapsed claims not entitled to the water-rights attached thereto.

7. The receipt for the purchase price, together with the first licence for the claims thus sold by the Government, shall be purchaser's evidence of title to the claims bought by him. Receipt and first licence evidence of title.

8. The upset price for these claims shall be 5s. per claim. Upset price.

The following addition to the conditions of sale of claims that have lapsed to the Government was passed by the Executive Council by resolution, Art. 1015, dated October 25th, 1898, in terms of paragraph 2 of Article 4 of Law No. 15, 1898 :—

1. (*a.*) In cases where a person, company, or syndicate, was owner of more than 10 claims which have now to be sold under these regulations, the claim inspector shall put up a maximum of 10 claims for sale together, in the order published in the *Staatscourant*. In claims put up together.

If the remaining portion of the lot consists of less than 10 claims all such remaining claims shall be sold together.

On the auction roll shall be clearly entered the numbers of the claims put up to auction, the purchaser and the purchase price, and if no bid be obtained this fact shall be mentioned on the auction roll. Auction roll.

If claims are not numbered, the claim inspector shall have a sketch thereof at the sale, and point out to the public which claims are being sold, and note this fact clearly on the auction roll. Sketch.

SCHEDULE B.

Local Laws, 1849–1885.

Ordinance defining the laws on mining of October 31st, 1866.
Volksraad Resolution, 14th June, 1870, Art. 181.
„ „ 21st December, 1870, Art. 16.
Law No. 1, 1871.
„ No. 2, 1872.
Volksraad Resolution, 11th March, 1873, Art. 39.
Law No. 7, 1874.
„ No. 6, 1875.
Volksraad Resolution, Art. 580, dated 26th June, 1882.
Law No. 1, 1883.
Proclamation, 17th June, 1884.
Volksraad Resolution, 18th August, 1884, Art. 155.
Appendix Law No. 1, 1883.
Law No. 8, 1885.
Volksraad Resolution, dated 15th November, 1871.
„ „ „ 21st February, 1872.

Local Laws, 1886–1887.

Appendix Law No. 8, 1885.
Law No. 10, 1887.
Volksraad Resolution, 10th May, 1887, Art. 68.
„ „ 5th May, 1887, Art. 37, Par. 2
„ „ 27th July, 1887, Art. 1302.
Amendment Law No. 8, of 1885.

Local Laws, 1888–1889.

Volksraad Resolution, dated 9th July, 1888, Art. 937.
Law No. 9, 1888.
„ No. 8, 1889.
Proclamation, dated 16th April, 1889.
Volksraad Resolution, dated 13th May, 1889, Art. 80.
„ „ „ 18th May, 1889, Art. 181.
„ „ „ 15th July, 1889, Art. 965.

LOCAL LAWS, 1890, 1893 AND 1894.

Law No. 8, 1890.
„ No. 10, 1891.
„ No. 18, 1892.
First Volksraad Resolution, dated 13th June, 1893, Art. 313.
„ „ „ „ 11th August, 1892, Art. 1105.
„ „ „ „ 10th August, 1894, Art. 1249.
Law No. 14, 1894.
„ No. 22, 1894, Par. 19, amended Art. 52d.

LOCAL LAWS, 1895.

First Volksraad Resolution, dated 14th August, 1895, Art. 916.
„ „ „ „ 28th August, 1895, Art. 1023.
Law No. 19, 1895.
First Volksraad Resolution, dated 20th September, 1895, Art. 1282.
„ „ „ „ 23rd September, 1895, Art. 1290.

LOCAL LAWS, 1896, 1897 AND 1898.

Law No. 21, 1896.
First Volksraad Resolution, Art. 1565, dated 19th October, 1897.
„ „ „ Art. 1595, „ 21st October, 1897.
„ „ „ Art. 695, „ 26th July, 1897.
„ „ „ Art. 314, „ 31st May, 1898.

S. J. P. KRUGER,
State President.
F. W. REITZ,
State Secretary.

Government Office,
Pretoria,
7th October, 1898.

No. II.

Law No. 23, 1899.

NATIVES' PASS LAW ON GOLDFIELDS.

(Being Amendment of the Amended Law No. 31, 1896, approved and provisionally declared in force by Executive Council Resolution, Article 109, dated January 31st, 1899, and published in "Staatscourant," dated February 1, 1899.)

Regulations having for their object the facilitating and regulating of the supply of native labour on the public diggings of this Republic, and the better control and regulation of natives in service, and the relation of employer and native employee, and the repeal of the Regulations published in "Staatscourant," of the 18th January, 1899.

These regulations apply to Goldfields.

1. These Regulations shall be in force and effect within the boundaries of such proclaimed public diggings of this State as the State President, with advice and consent of the Executive Council, shall from time to time determine and declare by Proclamation in the "Staatscourant" to fall within the scope of these Regulations, and shall, therefore, unless otherwise provided in these Regulations, in no way be considered to be in conflict with Law No. 13 of 1880, No. 3 of 1876, and No. 6 of 1880, or with Law No. 22 of 1895 (Native Pass Law), which laws shall remain in full force and effect on the proclaimed public diggings, in so far as they are not in conflict with the provisions of these Regulations (these Regulations being regarded as a special supplementary law for the proclaimed area). The areas mentioned in Clause 3 of Article 150 of the Gold Law shall be deemed as also falling under these Regulations.

Coal mines and lime-burning institutions on proclaimed and unproclaimed ground shall, unless situate in the same district as the proclaimed public diggings (*sic*), where these Regulations are of effect, also fall within the scope of these Regulations.

State President may proclaim same as applicable to other areas.

2. These Regulations shall, furthermore, come into force and effect for such private unproclaimed grounds in this State as shall have been proclaimed in terms of Article 1 of these Regulations.

Labour districts.

3. With regard to what is provided in Article 2, the jurisdiction of the pass officials shall extend over the same area as that of the Mining Commissioner or responsible clerk concerned, and the fields or areas falling within such jurisdiction shall be divided into as many labour districts as there shall then be Mining Commissioners and judicial officers on such diggings, and any such labour district shall have the same boundaries and be the same as the division falling under the jurisdiction of any such Mining Commissioner or judicial officer.

These Regulations shall not apply to natives under fourteen years of age, who are not in service.

Term "Native."

4. In these Regulations the word "native" shall be deemed to apply to the males of all coloured people and coloured races of South Africa.

Every native, on entering any district which falls under these Regulations, who is in possession of the travelling pass required by the existing law, shall immediately go to the District Office and take out a pass, as is hereinafter further provided for, and in proceeding to the said office he shall be protected by the (ordinary) pass, which he (already) has.

Travelling pass.

5. Upon entering the boundaries of proclaimed diggings, and private unproclaimed grounds, where these Regulations are in force, the native shall be obliged, before entering the service of any employer, to repair to the office of the Pass Officer appointed for that district, and there exchange his travelling pass, obtained in accordance with Article 3, Law No. 22, 1895, or Article 10 of these Regulations, for a district pass according to the form, Schedule A. Such travelling passes shall be filed on record during a period of twelve months.

District pass.

6. The Pass Officer appointed for the district shall enter in a register, to be kept for that purpose, according to Schedule B, the name of the native, his tribe, chief, district or country, height, and marks, if any, &c.; and he shall give each native a consecutive number for the current year. Such registered number shall thereafter be the native's official mark, as long as he remains within that (labour) district. All these particulars shall likewise be enumerated on the district pass (form Schedule A), which shall be issued free of charge.

Effect of district pass.

7. Such district pass shall enable and authorise the native to whom it is issued to seek work within the labour district for which it is issued, for a period of six days from date of issue.

Duty of native who cannot find a master.

8. If the native fail to find work within the prescribed six days from date of issue of the district pass, or after discharge by his last employer, he shall return to the Pass Officer who issued the pass, and may obtain an extension of three days, which shall be noted on the said pass by the Pass Officer on payment of two shillings, for which a receipt shall be handed to him. (Form G.) If he find no work within the said extension of three days he shall return to the Pass Officer, and the Pass Officer or Officers entrusted with the administration of these Regulations shall be competent to demand from such native his district pass, and to issue to him in return a departure or travelling pass in terms of Article 10, and the native shall pass on to another labour district or return to his home.

Term of district pass.

9. The district pass shall remain valid as long as the native resides in the labour district.

If a native coming from elsewhere to a labour district on a visit, or with any other lawful purpose, wishes to remain there temporarily, without entering into service, and is in possession of a travelling pass mentioned in Article 5 of these Regulations, it shall be lawful for him so to remain there, provided that he immediately reports himself to the Issuer of Passes, and exchanges his travelling pass for a permit (Form I.), upon payment of a sum of two shillings sterling; but he shall not so remain for a longer period than one month.

Travelling pass on leaving.

10. A native working on a public diggings, and wishing to depart from his labour district to another district, situate on the same or another proclaimed public diggings, or to his home, or to any other part of the Republic situated beyond his labour district, shall first apply for leave to do so from the Pass Officer in his district, and such leave shall be granted him if he has a district pass in proper order, which pass his last employer (if any) shall have filled in with a full discharge, as is required on the district pass (Form A), provided that he shall to that end have reported himself within the time as and from the date of registration or dismissal by his last employer which is allowed him to look for work. Thereupon the Pass Officer shall issue to him a travelling pass, according to the form prescribed in Schedule C, in exchange for the district pass in possession of such native on payment by such native of one shilling.

Form.

11. The Pass Officer shall register the date, number, and particulars of such travelling pass against the name and number of such native in the register (form Schedule B), and shall file the district pass for reference during a term of twelve months.

Procedure on arrival at new labour district.

12. Upon arrival in any new labour district of a proclaimed public diggings, a native travelling under the pass above described shall be obliged to go immediately to the officer appointed for that purpose, and shall there take out a district pass in manner and form as above described.

Natives leaving gaol.

13. Any native released from gaol, or acquitted by the Landdrost of the crime with which he may have been charged, shall be provided by the goal or charge office officials with a letter of discharge (according to form K), and thereupon such native shall immediately proceed to the Pass Officer in order to exchange his letter of discharge for a district pass.

If he has already been registered, he shall take out a new district pass, according to Article 17 of these regulations.

The exchange letter of discharge shall be filed for reference during twelve months, and thereafter destroyed.

No native shall be registered who is out on bail.

Natives temporarily working in a labour district.

14. The Pass Officer shall be competent, in the case of registered natives in the service of an employer proceeding to work temporarily in some other labour district, to issue a certificate, granting to such natives leave to go and work temporarily in such other district, in the service of, and under supervision of, their employer.

Such certificate shall not be issued for longer than two consecutive months, and a copy of the same shall be sent as notice to the Pass Officer of the district whither such natives may be proceeding to work.

Such natives shall be provided with travelling and monthly passes, according to Schedule D of the district where they are registered.

Natives leaving one district for another.

15. If natives should be transferred from one labour district to another, or should wish to depart, in accordance with Article 10 of these Regulations, for the purpose of working there, the monthly pass, after being endorsed and having the new registration number written on it by the officer concerned, shall remain valid in respect of that labour district until the end of the current month.

Penalties.

16. Any native who shall be found in any labour district to be without a district pass, according to Form A of that labour district, or to be without a travelling or employer's pass, or to have a lapsed travelling pass, or any native contravening Articles 5 and 8 may be punished with a fine of at least £5, and not exceeding £10, or with imprisonment with or without hard labour, for a period of not less than six weeks and not longer than three months, and with or without lashes not exceeding twenty-five in number.

Any native sent by his master, or who wishes, with the consent of his employer, to travel within the labour district wherein he may be residing, shall be provided by his employer with a special permit, setting forth the circumstances and the object of his mission, the date of issue, and the time for which the pass is granted. This permit shall, however, in no case be issued for longer than three consecutive days.

Any native sent by his employer beyond the district in which he is working shall provide himself with a printed one-shilling travelling pass, but, if such native should be travelling with his master, such travelling pass shall not be necessary, and, in the case of any native travelling by rail, the railway ticket for such native may be issued only to his master, who shall be required to submit proof that the native is *bonâ fide* in his service by exhibiting the said native's monthly pass for the current month.

Any native who shall be found in a labour district without such permit, and who is not in possession of a district pass, according to which he is in search of work, shall be punished in conformity with the penalties as above stated in this Article.

Lost district pass.

17. Any native who has lost his district pass may apply to the Pass Officer for a new pass in substitution for the one lost, and the said officer shall issue a new district pass (according to Form H) on payment of five shillings, if he be convinced of the identity and *bonâ fides* of the applicant by means of a letter from his last employer (if any).

If the loss of the district or monthly pass shall have been due to the employer, the latter shall pay for the new pass.

Penalties for using another's pass, &c.

18. Any native who:

(*a.*) Is in possession of, or makes use of a district pass, employer's pass, travelling pass, or departure pass belonging to another; or

(*b.*) Falsely states that he has not been previously registered, or makes any other false statement or commits any act with the object of deceiving the Pass Officers, or of contravening these Regulations; or

(*c.*) Hands over to any other native his pass hereinbefore described and belonging to himself, shall be deemed to be guilty of contravening these Regula-

tions, and shall be punished with a fine of at least £5, or imprisonment for one month with hard labour, and with or without lashes not exceeding fifteen in number, or with a fine not exceeding £10, or imprisonment with hard labour for a period not exceeding two months, or with lashes not exceeding twenty in number.

Distinctive passes for separate district.

19. The Government shall take such measures as it shall consider desirable, so that each labour district shall use and issue a pass distinctive in colour from that of the other labour districts, in order to facilitate the detection of vagrants or natives residing in any labour district without a pass of that labour district.

Penalty for desertion of service.

20. Any native who shall be guilty of desertion of service, or shall leave the service of his employer before the term of the contract or agreement under which he shall have accepted service shall have expired, shall be punished in accordance with the penalties imposed by Article 16 of these Regulations, and, after having satisfied the requirements of the law, he shall, if his employers so desire, be ordered to return to work and to complete the term of his contract.

Any native leaving his labour district for another without being in possession of the travelling pass hereinbefore described, shall, upon being arrested, be immediately handed over to the authorities of the labour district which he has left for punishment in manner above set forth in this Article.

Penalty for leaving labour district without a pass.

21. Any native who leaves a labour district without the proper travelling pass, according to Form C, shall be punished with a minimum fine of £5, or with one month's imprisonment with hard labour, with or without lashes. Should it appear to the satisfaction of the Court that the native has left in violation of his labour contract with his last or any employer, the said fine may be increased to £7, and the said term of imprisonment to two months.

No boy may be hired who does not produce a district pass, &c.

22. It shall not be lawful for any person within a labour district:—

(*a.*) To engage or have in his service any native, unless such native be provided with a proper district pass at the time he seeks employment.

(*b.*) To engage or have in his service any native unless his district pass shall show that he has been duly discharged by his last employer, if any.

(*c.*) To engage or have in his service any native whose district pass shows that such native has been registered longer than six days, or, in case of an extension in terms of Article 8, longer than nine days.

(*d.*) To engage or have in his service any native who has been longer discharged by his last employer than six days, or longer than nine days, if in possession of an extended pass according to Article 8 of these Regulations.

(*e.*) To engage or have in his service any native who has not been engaged or discharged according to law (or both) by the previous employer or employers (*sic*); and particulars (*sic*) filled in according to the prescribed pass form.

(*f.*) To furnish a native labourer who is not *bonâ fide* in his service with a monthly pass.

(*g.*) To take away, do away with, or destroy the travelling pass, the letter of discharge from the gaol, or any other document on which a native may be registered.

(*h.*) Not being himself an employer, to hire natives for others, or take away, do away with, or destroy any district or monthly pass, or write in either of these passes, or issue a permit to any native not actually in his service.

(*i.*) To act as agent or intermediary relative to the issuing and procuring of passes for native labourers according to this Law.

Monthly pass.

23. Immediately after engagement, the employer shall enter on the district pass of the native engaged all particulars as required according to district pass (form A).

The employer shall take from the native such district pass, and shall issue in the place thereof an employer's pass (form D), properly filled in with ink, and bearing the

stamp for the current month. Such employer's pass shall be renewed monthly on the first day of each month, and each native shall pay the sum of two shillings for the first pass and for every renewal of the pass.

The employer shall be responsible to the Government for the amount of such pass monies in respect of each native in his service, and he shall further be responsible for issuing the passes monthly to each and every native in his service, the passes, duly stamped by the issuer of passes, to be supplied by, and purchased from, the Government.

Before a monthly pass can be renewed, the pass for the preceding month shall be produced, or payment shall be made from the date of the latest pass, or, if no monthly pass can be exhibited, the amount of the monthly passes from the date of registration of the native shall be paid. The passes for the preceding months shall be cancelled by the Pass Officer.

Employer keeps district pass.

24. The employer shall receive and be accountable for the safe keeping of all district passes as long as the native remains in his service, and at the expiration of the native's service, the employer shall note on the district pass in ink such particulars of the discharge of such native as are required in the pass form, on which pass nothing else shall be written by the employer, who shall then restore the pass to the lawful owner theroef.

Penalties: Clauses 22 to 24.

25. Any employer, agent, intermediary, or other person who shall be convicted of contravening, or failing to comply with any of the Clauses 22 to 24, or any person who shall illegally withhold district passes from, or coerce any native shall, if convicted, be punished with a fine not less than £5, and not exceeding £100 for each contravention or non-observance in respect of every native, or in default of payment, with imprisonment for a period not exceeding six months, with hard labour. If the employer be a company or syndicate, the manager or his representative, or, if there be no representative, the chairman of such company or syndicate shall be responsible. If anyone is appointed by a private employer to represent him, such representative shall be responsible.

Employer of more than 20 natives.

26. Every employer, having in service more than twenty native labourers, shall be obliged to keep a register according to Schedule or Form F, of all native labourers in his employ, and at the end of each month and not later than the fifteenth day of the month following, shall fill and send in a return to the Pass Officer of the district, according to the Form under Schedule E, giving the registered number of the district passes with the names, &c., of all who have been engaged, discharged, have deserted and died during that month.

The district passes of such natives as have deserted shall be sent, together with the returns according to Form E, to the Pass Officer, and a note shall be made of such desertions in the district pass books and other registers.

Any employer having in his service less than twenty natives shall be obliged to notify the Issuer of Passes whenever he employs a native, and to give the name and register number of such native, and the residence and address of such employer. Upon any native deserting service, notice shall be immediately given to the Issuer of Passes, and the district pass of such native shall be handed over. Notices as above described shall be according to form L.

Penalty on false returns, &c., by employer.

27. Any employer who fails to comply with the foregoing, or who makes fraudulent or false returns shall, if convicted, be punished with a fine not less than £5, and not exceeding £100, or with imprisonment, with or without hard labour, for a term not exceeding three months.

Penalty for employer making wrong use of powers.

28. Any person making use of the provisions of these Regulations for the purpose of imposing on and defrauding a native labourer in respect of his wages, rations, or advantages due to him, shall, upon conviction of such offence, be punished with a fine not exceeding £100, or with imprisonment for a term not exceeding three months, with or without hard labour.

Penalty for falsifying passes.

29. Any person convicted of forging, imitating, or altering one or more of the passes, stamps, or numbers, which, in terms of these Regulations, may have

been issued to native labourers, and to employers, or who makes any entry, alteration, name, or mark on the same, or writes thereon, with the object of misleading the Government officials, or of depriving the employers of the services of native labourers or prevents any native from being registered, or coerces him into not being registered or not complying with the provisions of the Law, or into otherwise frustrating the provisions thereof, shall be punished for each contravention with a fine of from £10 to a maximum of £100, or with imprisonment for a term not exceeding three months, with or without hard labour.

Labour Inspectors.

30. The Government shall appoint such officers in each district as may from time to time be found necessary for the due and exact carrying out of these Regulations, and shall further appoint Special Labour Inspectors for each district, with power to summarily arrest all natives contravening these Regulations.

The duties of such Special Labour Inspectors shall, *inter alia*, be: —

(*a*) To make regular and frequent inspections of registers kept for native labour by the employers, to inspect all natives who are in service, to assure themselves that the passes of such natives are in order, and, if need be, to identify any native with the description of him given in the district pass filed by the employer.

(*b*) To inspect the monthly passes of such natives.

(*c*) To inspect all employer's passes or district passes of all natives when and wherever met.

(*d*) Generally to see that the provisions of the Law and of these Regulations are carried out.

(*e*) To make a proper report to the Pass Officer of their district of each inspection made by them in accordance with the above provisions, and to keep a proper diary of their work.

(*f*) Every employer shall be obliged to bring his employees before the Labour Inspector whenever requested to do so, for the purpose of being inspected, and to produce the district passes and the registers for comparison. Upon his refusing to comply, the Labour Inspector shall have the right to enter upon the place where the natives work, or are to be found, and to hold the inspection. Offenders against this provision shall be punished with fines ranging from £5 to £50, or with imprisonment with or without hard labour for a term not exceeding six months.

Powers of Arrest.

31. Any native found by the police or Special Labour Inspector without district, travelling or employer's pass, or being an offender under Article 8, shall immediately be arrested and fined or punished by any competent court having jurisdiction in terms of these Regulations.

Complaints by employers.

32. All complaints by employers relating to desertion of service by natives shall be reported to the District Officer or to the Inspectors, whose duty it shall be to take the pass numbers, names, &c., of such deserters, and to do everything that may be required to arrest such deserters, so that they may be punished in terms of these Regulations.

Complaints by natives.

33. All complaints by natives against employers shall be made to the Inspectors, who shall at once report to the District Officer appointed for that purpose, whose duty it shall be to institute without delay a full and proper investigation into the cause of the complaint, and, if need be, to submit the case to the Public Prosecutor, who shall at once take legal proceedings against the employer, under the provisions of these Regulations.

Fines to go to Government.

34. All fines imposed under these Regulations shall be paid to the Government of the South African Republic.

Jurisdiction.

35. All contraventions of these Regulations, and of any of the provisions thereof, may, with due regard to the provisions in Article 41 hereinafter mentioned, be dealt with by any court having jurisdiction under the Masters' and Servants' Law, No. 13,

1880, and under Law No. 22, 1895 (Native Pass Law), and in whose jurisdiction the offender may be found. Such courts are authorised to adjudicate on all such contraventions, and to impose fines and penalties in accordance with these Regulations and the schedules belonging thereto. All complaints under these Regulations shall, with due regard to the provisions in Article 38, hereinafter mentioned, be brought before the court within forty-eight hours after the arrest of the offenders, the court, however, having the right to grant postponement of the cases.

These Regulations shall not affect the validity of the Supplementary Regulations of the Johannesburg Sanitary Board, published under Government Notice, No. 385, on the 8th November, 1893, but, on the contrary, such Supplementary Regulations shall remain in full force and effect, and natives affected thereby shall be exempt from the provisions of these Regulations with regard to district passes and employer's passes as long as they remain (reside) as such under the said Regulations of the Sanitary Board.

Pass distributors.

36. All Pass Issuers appointed in terms of this Law for the various labour districts shall, *ex officio*, be Justices of the Peace.

Administration.

37. The administration of this Law, as well as of any other Pass Laws and Regulations, shall be vested in a Pass Commissioner, who shall be responsible to the Superintendent of Natives. The Pass Commissioner shall be *ex officio* the Justice of the Peace for the whole Republic.*

Special Witwatersrand regulations.

38. The following Regulations shall furthermore apply to the Witwatersrand Fields:—

The Pass Offices at Johannesburg, Boksburg, and Krugersdorp shall be provided with guard rooms of adequate size, in which shall be placed all coloured persons who are found within these labour districts without a pass, or who commit some or other contravention of this law; and these coloured persons shall be detained until their masters shall fetch them, provided, however, that the period of detention in any guard-room shall not exceed six days.

If a native should be found outside his proper labour district, he shall be at once sent thither in order to be detained there in the guard room.

After a native shall have been detained for six days in the guard room at Boksburg or Krugersdorp without his master having reported himself, and, if it should at the same time not appear quite clear that such native belongs to the Boksburg or Krugersdorp labour district, he shall be sent to the central guard-room at Johannesburg, in order to be detained there for a period of six days.

Pass distributors.

39. If the master should appear at the guard-room within the said period of detention for the purpose of claiming the native, he shall produce to the Issuer of Passes the district pass under which the native was registered, and further satisfy the Issuer of Passes as to the identity of the native, thereupon the Issuer of Passes shall punish the native by a fine not exceeding £1, or by lashes not exceeding fifteen in number, and after the native has undergone such punishment, and upon the master's having defrayed the costs of detention of such native in the guard-room and costs (if any) of bringing him to the guard-room, he shall be entitled to take such native with him, so that the latter may further complete and serve out his contract.

How native dealt with if employer does not report himself.

40. If within the said period of detention, no master shall have reported himself at the guard-room, the native shall be dealt with as follows:—

(A) All employers in want of native labourers shall be entitled to leave their names with the Issuer of Passes for the district, mentioning the number of labourers required by them, and the Issuer of Passes shall write out a list of such names.

(B) If, upon expiry of the detention period, the real master shall not have appeared, the native shall there and then immediately select an employer from the list of employers; thereafter the Issuer of Passes shall punish the native by a fine not exceeding £1 or by lashes not exceeding 15 in number and after such native has undergone the punishment inflicted, the employer

* NOTE.—*See* Amendment of this Article Ex. C.R., Art. 254, 6th March, 1899.

selected, after paying the costs of the detention of such native in the guard-room, and the costs, if any, of bringing such native there, shall be entitled to take the native into his service after he, the native, shall have been registered in terms of Article 6 of these instructions.

If the native refuses to select an employer as above described, or if no employer is found willing to take him into service on the conditions above named, the native shall be immediately dealt with by the Landdrost or other officer charged with the exercise of criminal jurisdiction according to Article 16 of these Regulations.

(C) If during the period of detention the actual master of the native who is detained should appear, but refuse to pay costs of detention, he shall forfeit all his right to the services of such native, and such native shall be dealt with as set forth in the preceding sub-section.

Guard room charges.

(D) The guard-room charges shall be according to the following tariff:—

Detention and guarding in guard-house for each native for 24 hours or portion thereof, 1s. 6d.

Food for each native, per meal, 7½d. Each native to be provided with two meals per day, of 1½ pound weight mealie meal, porridge or rice, well prepared and cooked, which, if need be, shall be submitted to the approval of a medical practitioner.

The delivery of rations shall be made upon tenders called for by the Auditor-General, with a maximum scale according to the above tariff, and a minimum weight of rations as above specified.

The contractor shall give security to the satisfaction of the Pass Commissioner and the Auditor-General for the proper delivery of the requisite rations.

Pass Distributors.

41. The pass distributors at Johannesburg, Boksburg, and Krugersdorp shall be sworn in as Special Justices of the Peace, and shall be competent to dispose of all cases relative to detained natives as above described.

Summary proceedings.

42. The manner of procedure for the Special Justices of the Peace and Special Landdrost under this law shall be a summary procedure, the same as that of the native courts of the South African Republic, *mutatis mutandis*.

Field-Cornets

43. No Field-Cornet of a public diggings, or whose ward adjoins a public diggings, under the provisions of this law shall be entitled to issue any passes of whatsoever kind, except to natives being *bonâ fide* residents of his ward, and not falling under these Regulations.

Any native who applies to the Field-Cornet for a pass (under this law) shall be sentenced by him to pay a fine not exceeding £10, or to receive lashes not exceeding 20 in number, and after such native shall have undergone the punishment inflicted, the Field-Cornet shall issue to him a travelling pass, in order that he may proceed to the Issuer of Passes of the said diggings, as also a receipt for the fine paid or a certificate in respect of the lashes inflicted, and in case of any contravention of this provision by such Field-Cornet the latter shall be liable to a fine not exceeding £25.

Repeal.

44. The Amended Law No. 31, 1896, shall hereby lapse, as also the Regulations published 18th January, 1899.

Operation.

45. This amended law shall come into operation immediately after publication in the "Staats Courant."

S. J. P. KRUGER,
State President.
F. W. REITZ,
State Secretary.

Government Offices, Pretoria,
January 31, 1899.

(For forms see "Staats Courant" for February 8th, 1899, p. 366.)

No. III.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR, Downing Street, March 22, 1901.

I HAVE the honour to transmit to you, for your consideration, the enclosed copy of a question which I was asked in the House of Commons on the 5th instant, relative to those provisions of the Pass Laws and Gold Laws of the late South African Republic which authorised the infliction of severe corporal punishment on coloured persons, including British Indians, together with a copy of my reply.

2. I shall be glad to be informed in due course what action you propose to take with regard to the above laws and any other laws of the late Republics which may contain similar provisions.

I have, &c.,
J. CHAMBERLAIN.

Enclosure in No. III.

Tuesday, March 5.

Sir CHARLES DILKE asked the Secretary of State for the Colonies whether, by—

(1) the Transvaal Pass Law, the rigid enforcement of which was asked for by the Rand Chamber of Mines, lashes at discretion may be inflicted for every second violation of its minute regulations, and whether, by a clause introduced into

(2) the latest Transvaal Gold Law by the Second Volksraad, every coloured workman who is found to be negligent may be punished by lashes not exceeding 25, while "coloured" includes every Indian or African British subject:

And if the attention of the Governor of the Transvaal will be called to such provisions, with a view to the better treatment of coloured persons.

Mr. CHAMBERLAIN: The penalties referred to in the question are prescribed by the Pass Laws of 1895 and 1896, and by the Gold Laws for many years past. The definition of "coloured" undoubtedly includes British Indian and African coloured subjects. Sir Alfred Milner is already alive to the need for considering the revision of such legislation, and I will call his attention to the special points referred to in the right hon. member's question.

No. IV.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 10, 1901.)

(Extract.)

High Commissioner's Office, Johannesburg,
April 19, 1901.

I enclose a copy of the "Government Gazette," of the 10th instant, from which you will see that, in order to provide for the administration of justice until the Courts are constituted, I have issued a Proclamation, No. 6, of 1901, providing for the establishment of certain Resident Magistrates' Courts, and Special Criminal Courts at Pretoria and Johannesburg, and have dissolved the Courts formerly sitting at these places.

Enclosure to No. IV.

No. 6 of 1901.

PROCLAMATION

By His Excellency Sir Alfred Milner, Knight Grand Cross of the Most Honourable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, His Majesty's High Commissioner for South Africa, &c., &c., &c.

Whereas it is expedient to make further provision for the administration of Justice in certain Towns and Districts of the Transvaal:

Now, therefore, by virtue of the authority in me vested, I do hereby order, direct, and declare as follows:—

1. A Court of Resident Magistrate shall be, and is hereby, established at each of the following places, to wit:—

At Pretoria for the district of Pretoria,

At Potchefstroom for the district of Potchefstroom,

At Johannesburg, at Krugersdorp, and at Boksburg for the areas heretofore under the jurisdiction of the Special Landdrost of Johannesburg, Krugersdorp, and Boksburg respectively; and for such other places and such other districts or areas as I may from time to time notify in the "Gazette."

2. Each of the said Courts shall be holden before such person as I may appoint, and shall have within the district or area for which it is established all the powers, privileges, and jurisdiction in civil and criminal matters arising within such district which are conferred by the Laws of the late South African Republic on Courts of Landdrosts; provided that no such Courts shall exercise jurisdiction in any civil cause, matter, or proceeding unless the defendant thereto has been personally served with the process of the said Court and within the area of its jurisdiction, and provided further that the cause of action in any such proceeding has arisen since the date of the annexation of the Transvaal to His Majesty's dominions, to wit, the 1st of September, 1900.

3. All sentences of any of the said Courts whereby the penalty shall exceed a fine of £10, or imprisonment for three months with or without hard labour, or whereby any corporal punishment exceeding twelve lashes is ordered, shall forthwith be forwarded by the Magistrate of the said Court to the Legal Adviser of the Transvaal Administration to be by him submitted to me for the confirmation, reduction or quashing of such sentence as may appear to me to be right; and no corporal punishment exceeding twelve lashes ordered by any sentence shall be inflicted until such sentence shall have been confirmed by me.

4. It shall be lawful for me from time to time to appoint for any district or area in which a Court of Resident Magistrate is established or for any portion thereof one or more fit and proper persons to be styled Assistant Resident Magistrates, and every Assistant Resident Magistrate shall, subject to the provisions of this Proclamation, have and exercise all the power and jurisdiction of a Resident Magistrate in and for the district or area or portion thereof for which he shall be appointed to act, in all cases civil and criminal.

5. Every Assistant Resident Magistrate shall be subordinate to the Resident Magistrate of the district or area within which such Assistant Resident Magistrate is appointed, and shall act as such Assistant Resident Magistrate:—

1. When so required to act at the stated and ordinary place of holding the Court of Resident Magistrate by me or by the Resident Magistrate, whether the Resident Magistrate be present or not, and such Assistant Resident Magistrate may act in the disposal of any cases assigned to him for disposal by me or by such Resident Magistrate, while the Resident Magistrate shall be acting in other cases.

2. During the absence of the Resident Magistrate on leave, duty, or from illness, or any other unavoidable cause;

He shall also act at any other place and within such local limits within the jurisdiction of the Resident Magistrate as may be assigned by me.

6. There shall be and there are hereby also established in Pretoria and Johannesburg Courts for the trial of criminal cases, each of which shall consist of three persons appointed by me, one of whom shall be the President thereof. The Court at Pretoria shall be styled "The Special Criminal Court at Pretoria," and the Court at Johannesburg shall be styled "The Special Criminal Court at Johannesburg."

7. The said Special Court at Pretoria shall have jurisdiction over all crimes and offences of whatsoever nature (save as hereinafter excepted) committed within the district of Pretoria, and any other district or area which I may from time to time notify; and the said Special Court at Johannesburg shall have jurisdiction over all crimes and offences (save as hereinafter excepted) committed within the areas in which the Resident Magistrates of Johannesburg, Krugersdorp, and Boksburg have jurisdiction, as also within the district of Potchefstroom and any other district or area which I may from time to time notify, and each of the said Courts shall sit at such times as the President thereof may appoint.

8. In all trials before either of the said Courts established under Section 6 hereof, the three members thereof shall sit, and a decision of a majority of them shall be deemed and taken to be the judgment of the Court, and the said Court shall have power to pass any sentence upon any person convicted by it which a Judge of the High Court of the late South African Republic might have passed had such person been convicted after trial before him and a jury; provided always that no sentence of death passed by the said Court shall be carried out until confirmed by me; and provided further that every sentence whereby the penalty shall exceed a fine of £100, or imprisonment for twelve months, or whereby any corporal punishment exceeding twenty-five lashes is ordered, shall be forthwith forwarded to the Legal Adviser of the Transvaal Administration, and be by him submitted to me for confirmation, reduction, or quashing of such sentence as may appear to me to be right, and no corporal punishment exceeding twenty-five lashes shall be inflicted until such sentence has been approved of by me.

9. When in the course of any trial in any Court established under Section 1 hereof it shall appear that the crime or offence under trial is from its nature and magnitude not subject to its jurisdiction or more proper for the cognizance of one of the Courts established under Section 6 hereof, then the Magistrate before whom such first-mentioned Court is held shall stop the trial, and order it to be commenced before that one of the last-mentioned Courts which has jurisdiction in the matter.

10. All the said Courts herein established shall have jurisdiction over contraventions of any Proclamation or Notice which has appeared or may at any time hereafter appear in any Official "Gazette"; but none of the said Courts shall, save by the request of the Commander-in-Chief of His Majesty's Forces in this Colony, exercise jurisdiction over any crime or offence, or over any such contravention as aforesaid committed by any member of His Majesty's Forces on active service in this Colony, or over any crime or offence connected with military operations, such as spying, murder under the guise of warfare, and such like.

11. Each of the said Courts herein established shall adjudicate upon and determine all matters within its jurisdiction in accordance with the law of this Colony, and the form and manner of procedure before it and the rules of evidence in all cases pending before it shall be according to the laws and rules regulating the practice, form, and manner of procedure and rules of evidence in the Courts of Landdrosts of the late South African Republic.

12. All prosecutions in either Court established under Section 6 hereof shall be in the name of His Majesty the King, upon indictment signed by such person as may be appointed by me Crown Prosecutor in the said Court. The indictment shall be as nearly as possible in the following form:—

In the Special Criminal Court of
A.B., Crown Prosecutor in the Court of
(who prosecutes for and on behalf of His Majesty the King, presents and informs the Court)
That C.D. is guilty of the crime of

The particulars of the charge against him are that

(here the facts are to be shortly and concisely stated)

and that he did thereby commit the said crime of

In case of conviction the said Crown Prosecutor prays for judgment against the said C.D. according to law.

13. On the publication of this Proclamation the Court established under Lord Roberts's Proclamation, No. 22, dated the 11th June, 1900, and styled "The Pretoria High Court," and "The Military Tribunal," established in Johannesburg under Proclamation No. 4 of the Military Governor of Johannesburg, dated 7th June, 1900, as also the "Court of the Chief Magistrate" in Johannesburg, established under the last mentioned Proclamation, and the Courts established at Boksburg, Krugersdorp, Germiston, and Florida, under and by virtue of Proclamation No. 7 of the said Military Governor, dated 14th June, 1900, shall be dissolved, and the members thereof shall cease to hold office, and all Proclamations relating to such Courts shall, in so far as they deal with such Courts be repealed, provided that such dissolution shall not affect the validity or effect of any act of judgment of any of the said Courts made prior to the date of such dissolution, and any matters pending at such date in any of the said Courts shall be transferred to and determined by any of the Courts herein established which would have jurisdiction in the matter.

14. Nothing herein declared shall in any way affect the Courts styled "District Courts," established under Section 7 of the said Proclamation No. 4, dated 7th June, 1900.

15. The Courts established under this Proclamation shall be Courts of Record, and shall be dissolved upon such date as I shall notify by Proclamation in the "Gazette." The pleadings and proceedings of the said Courts shall be in the English language.

16. The Courts established under this Proclamation may, subject to my approval, appoint such Officers as shall be necessary to carry out the work of the said Courts, and may permit any Barrister-at-Law, Advocate, Solicitor, Attorney or Agent-at-Law to be admitted to practise before them; provided that such Barrister-at-Law, Advocate, Solicitor, Attorney, or Agent-at-Law before admission shall have taken the Oath of Allegiance to His Majesty the King; and provided further that only such Agents-at-Law shall be entitled to be admitted as have been admitted to practise in any of the Courts of Landdrost of the late South African Republic and have never been struck off the Roll of practitioners in the said Courts.

17. Each of the Resident Magistrates appointed by me under this Proclamation shall have all the powers with regard to Marriages conferred on a Landdrost by Law No. 3, of 1871.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria, this fifth day of April, 1901.

A. MILNER,
High Commissioner.

By command of His Excellency the High Commissioner,

G. V. FIDDES,
Secretary to the Transvaal Administration.

No. V.

HIGH COMMISSIONER LORD KITCHENER to MR. CHAMBERLAIN.

(Received June 10, 1901.)

SIR, Pretoria, May 17, 1901.

WITH reference to your despatch of the 22nd March, respecting the laws authorising the infliction of corporal punishment on coloured persons, I have the honour to transmit to you, for your information, a copy of a minute, with its enclosures, from the Legal Adviser to this Administration on the subject.

I have, &c.,
KITCHENER, General,
Administrator.

Enclosure in No. V.

Legal Adviser's Office, Pretoria, April 22, 1901.

THE SECRETARY TO THE TRANSVAAL ADMINISTRATION,

I enclose a translation of the penal clauses* of the last Gold Law, No. 15, 1898, affecting coloured persons, and also of the penal clauses† of the last Native Pass Law (called, for convenience, No. 23, 1899), being an amendment of Law No. 31, 1896.

Article 3 of the Proclamation No. 6, 1901, by His Excellency Sir Alfred Milner, provides as follows:—"All sentences of any of the said Courts whereby the penalty shall exceed a fine of £10 or imprisonment for three months, with or without hard labour, or whereby any corporal punishment exceeding twelve lashes is ordered, shall forthwith be forwarded by the Magistrate of the said Court to the Legal Adviser of the Transvaal Administration, to be by him submitted to me for the confirmation, reduction, or quashing of such sentence, as may appear to me to be right, and no corporal punishment exceeding twelve lashes ordered by any sentence shall be inflicted until such sentence shall have been confirmed by me."

This provision provides a useful safeguard against the indiscriminate lashing of coloured persons. I would refer to a circular letter on the subject, which I have addressed to the Resident Magistrates in this Colony.

RICHARD SOLOMON.

CIRCULAR No. 3.

Office of the Legal Adviser to the Transvaal Administration,
Sir, Pretoria, April 24, 1901.

I BEG to draw your attention to the following matters of importance:—

A.—*Appointment of Justices of the Peace.*

These appointments will in future be made by His Excellency the High Commissioner on my recommendation. It will be necessary that any applications for a Commission of the Peace be made by the applicant to the Resident Magistrate of the District in which he resides, who will forward it to me, with his replies to the following questions:—

(1) Is the appointment in your opinion necessary in the interests of the public?

(2) Is the applicant a fit and proper person to hold the Commission of Justice of the Peace?

In answering (1) due regard must always be had to the number of Justices already resident in your district.

Every applicant must give his full name, age, occupation, and nationality.

---

* Clauses 16, 18, 20, 21, 25, 28, and 29 of I.

† Clauses 150 and 151 of II.

No person shall be permitted to exercise the duties of the office of Justice of the Peace until he has taken the oath of allegiance, which you are empowered to administer to him.

Sentences of Lashes.

I hold a very strong opinion that it is not as a rule desirable to impose the sentence of lashes as a punishment for a *first* offence, unless the offence is of so serious a character that it would be more proper for the cognizance of the Special Criminal Court.

In the Cape Colony a Court of Resident Magistrate can only under its ordinary jurisdiction impose a sentence of lashes when there has been, within a period of two years, a previous conviction of the person sentenced.

I intend hereafter to recommend that the law of this Colony should be assimilated in this respect to the law of the Cape Colony, but until such a change takes place, I am sure you will give my views on this important subject your most careful consideration.

I am, &c.,
RICHARD SOLOMON.

To the Resident Magistrate,

No. VI.

MR. CHAMBERLAIN to HIGH COMMISSIONER LORD KITCHENER.

(Sent 3.35 p.m., July 5, 1901.)

TELEGRAM.

5th July. No. 2. Referring to your despatch, 17th May,* penalties for being without pass and for enforcing contracts are very heavy. They are not only heavier than those in force, for instance, in West Indies with regard to Coolies deserting, but provision for flogging is, I think, unparalleled in legislation of any part of Empire, and I think you should instruct your legal adviser to consider whether provisions for flogging for failure to show pass and for breaches of a mere civil contract could not safely be repealed without waiting to consider other amendments of the law.

No. VII.

MR. CHAMBERLAIN to HIGH COMMISSIONER LORD KITCHENER.

(Sent 1.17 p.m., July 9, 1901.)

TELEGRAM.

9th July. No. 1. Matter most urgent. Referring to my telegram 5th July, No. 2, and your despatch of 17 May,† on what grounds is it held that Pass Law of 1899 is valid? It is stated to have been provisionally declared in force by Executive Council and it does not appear by what authority it repeals Law of 1896, which was duly passed by Volksraad.

No. VIII.

HIGH COMMISSIONER LORD KITCHENER to MR. CHAMBERLAIN.

(Received July 20, 1901.)

SIR, Pretoria, June 28, 1901.

I HAVE the honour to forward to you, herewith, twelve (12) copies of Proclamation, Transvaal No. 11, dated the 24th of June, 1901.

I have, &c.,
KITCHENER,
General, Administrator.

---

* No. V.

† Nos. V. and VI.

Enclosure in No. VIII.

Transvaal No. 11 of 1901.

PROCLAMATION

By His Excellency BARON KITCHENER OF KHARTOUM, Knight Grand Cross of the Most Honourable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, General Commanding-in-Chief His Majesty's Forces in South Africa, High Commissioner for South Africa, and Administrator of the Transvaal, &c., &c., &c.

Whereas it is desirable to abolish all minimum penalties provided for in the Native Pass Law for the Gold Fields (published in the "Staatscourant" of 1st February, 1899), and to give the Courts of the Resident Magistrates and Assistant Resident Magistrates a wider discretion in determining the penalty to be inflicted for contravention of the above-mentioned Law:

Now, therefore, by virtue of the authority in me vested, I do hereby declare, proclaim, and make known as follows:

1. All minimum penalties provided for in the aforesaid Native Pass Law for the Gold Fields are hereby abolished, and from and after this date the said Resident Magistrates and Assistant Resident Magistrates shall have jurisdiction to impose such sentences for contraventions of the provisions of the said Law as they may see fit, not exceeding the maximum penalties provided for such contraventions in the said Law.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this 24th day of June, 1901.

KITCHENER,
Administrator of the Transvaal.

By Command of His Excellency the Administrator of the Transvaal.

G. V. FIDDES,
Secretary to the Transvaal Administration.

No. IX.

LEGAL ADVISER TO ADMINISTRATOR OF THE TRANSVAAL to MR. CHAMBERLAIN.

(Received 7.45 p.m., July 25, 1901.)

TELEGRAM.

25th July. No. 1038. Matter most urgent. Pass Law of 1899 was put into force on Resolution of Executive Council, and was never confirmed by Volksraad. Its validity is contended for on ground that under the Gold Law Executive Council could make Regulations on any matter dealt with in Gold Law and provide penalties for the breaches thereof. Passes to natives are dealt with under Gold Law, section 150, and the Pass Law is merely Regulation made in respect of passes under the authority I have referred to. I myself have grave doubts as to its validity, and I therefore advised Administrator to issue Proclamation making Pass Law of same force and effect as if it had duly been confirmed by Volksraad before its first publication. Administrator consented to this Proclamation, and it was published in "Gazette" yesterday. The same Proclamation abolishes penalty of lashes imposed by Pass Law of 1899, except for contravention of section 18 thereof, which is a serious charge.

APPENDIX.

TRINIDAD—IMMIGRATION ORDINANCE, 1899 (19 OF 1899).

INDEX.

A.

	SECTION.
Advances to Immigrants payable from Fund	31
Adultery—Action for	193
Apprenticing of children	259
Application for Immigrants—Making of	32
Do. do. Subsistence of	33
Do. do. By heads of department	34
Do. do. Refusal of	35
Allotment—Order of	58
Do. For domestic Service	59
Do. Conditions of	60
Do. Distinguishing able bodied or otherwise	61
Do. Annual publication of lists, &c.	65
Do. None where Immigrants pay expenses	66
Do. None in certain other cases	67
Aggravated Assault on wife by husband	189
Do. do.—Wife to be considered *feme sole*	190-191
Age of immigrant—Decision of question as to	267
Absences on leave—Keeping of Register of	144
Do. Right to	138
Do. Unlawful	137
Alimony—Payment of	189
Arrival	48 *et seq.*
Assault on Indentured Immigrant	118
Able-bodied Immigrants—Distinguishing of	61

B.

Bail in certain cases	242
Betrothal—Recovery of gifts	192

C.

Cocoa Estates—Hospital regulations	95 (3)
Certificates—Forging of	181
Certificate—Punishment for using certificate or pass of another immigrant	230
Certificate of Exemption—Punishment for forging, &c., of	231
Cancelling of indenture by Governor	42
Certificate of exemption from labour—Loss of	229
Chief Registrer—Offences by	183
Criminal Conversation—Proceeding may be commenced in inferior Courts	193
Commutation—Computation of	195
Do. By husband or wife	196
Do. By mother of minor	197
Do. Determination of indenture by Protector on payment of	198
Completion of Indenture—Notice to be given to Protector by Manager	210
Conviction before Supreme Court—Certificate of	247
Contravention of the Ordinance not provided for—Penalty for	268
Contracts for labour—Validity of	51

D.

	Section.
Death-rate—Consequences when excessive	71
Do. Annual return of	68
Do. Mode of ascertaining	69
Do. Excessive	70
Death of Indentured Immigrant—Proceedings by Manager	250
Depôt—Absence without leave from	147
Do. Board and lodging on arrival	50
Do. Detention at, after allotment	63
Defaulters—Keeping of Register of	154
Do. Making of entries in Register of	155
Do. Correction of Register of	156
Desertion	140
Do. Default by Manager in not prefering charge against deserter	141
Do. Punishment of deserter	142
Do. Loss of original charge for	143
Do. Keeping of Register of	144
Dispenser for hospital	97
Defendant—Evidence of admissible	237
Divorce—According to personal Law	163
Do. Application to register	164
Do. Registration of	165–174
Dietary—Hospital	95
Disabled Immigrants—Granting certificate to	211
Dwellings	81–87

E.

Emigration Agent—Appointment and salary	23
Do. Appointment and salaries of Clerks, &c., to	24
Do. Accounts and expenses	25
Entries in Registers and Certificates—Proof of	178
Enticing away wife of Immigrant—Punishment for	188
Exemption from labour—Granting Certificate of	209
Do. Loss of Certificate of	229
Employer—Attendance of—Not always necessary in prosecutions	236
Do. Default of, respecting Hospitals	105
Do. Default of, in respect of sick Immigrant	106
Existing Indentures—Completion of	269
Existing Registers—Saving of	270
Existing Indentures—Effect of	271
Existing Officers of Department—Case of	272
Existing Medical Districts—Saving as to	273
Existing Forms—Temporary use of	274
Existing Regulations—Continuance of	275
Extra Time—Payment for	123
Do. Limit of	124
Do. Agreement as to	122
Enquiries on Estates—Power to hold, &c.	16 *et seq.*
Emigration—Places for which allowed	5
Enlistment—Unlawful	217 *et seq.*
Evidence of Defendant	237

F.

Fiscal Provisions	26–31
Forms—First Schedule	4 & 274
False declaration or certificate—Signing of	180
Festivals—Making regulations for	263
Do. Application for regulations	264
Do. Contravention of regulations	265
Do. Prosecution for contravention of regulations	266
Forgery	181, 231–232
Free Immigrants	132–134

G.

	Section
Government Medical Officer—Visits to hospital	99
Do. do. do. Treatment of patients by	100
Do. do. do. Responsibility of	101
Do. do. do. Special visit of	14
Do. do. do. Removal of patient to public hospital	102
Do. do. do. Requisitions by	103
Do. do. do. Appeal against requisitions of	104
General Orders—Publication of	176
Gifts in consideration of marriage—Right to recover	192

H.

Hospital—Accommodation to be provided	91
Do. Certifying of	92
Do. Right of lessee in	93
Do. Withdrawal of certificate	94
Do. Public—Removal to	102
Do. Making of regulations, &c.	95
Do. Special regulations	95 (3)
Do. Furniture, &c., of	96
Do. Employment of Dispenser in	97
Do. Duties of Dispenser, Sick Nurse, &c.	98
Do. Misconduct in	107
Do. Regulations—Obligation of on all in hospital	108
Habitual Idler	152

I.

Indenture Fees—Penalty on non-payment	29
Do. First charge on estate	30
Do. Employer to be charged with	28
Indenture—Mode of	62
Do. Term of	74
Do. Exemption of infant immigrant from	77
Do. Computation of duration	205
Do. do. exclusive of certain period	206
Do. Transfer and determination of	194–208
Indentured Immigrant—Imprisonment of	241
Do. do. Admission to bail in certain cases	242
Do. do. Leaving plantation to make complaint	139
Do. do. Assault on	118
Do. do. Refusal of to amend work	121
Do. do. Making of agreement for extra time	122
Do. do. Employment of by person not entitled to his services	148
Do. do. Disposal of on release from custody	149
Do. do. Giving of certificate as to—brought in custody to plantation	150
Do. do. Duties of manager	133
Do. do. Reporting of—voluntary returning to plantation	151
Do. do. Reporting of—on release from prison	153
Do. do. Minor offences by	126
Do. do. Unlawfully at large	136
Do. do. Unlawful absence from plantation	137
Do. do. Serious offences by	127
Do. do. Misconduct in hospital	107
Infant Immigrant	76–79
Indian Training Schools	253
Indenture to be declared void in certain cases	194
Indenture List	62, 239
Immigration Fund	26, 27
Immigrants—Determination of number to be introduced	36
Do. Introduced at private expense	37–47
Do. Inspection of on arrival	48
Do. Disposal of sick on board ship	49
Do. Board and Lodging on arrival	50
Do. Contract valid when approved by Protector	51
Immigrants not under indenture—Duty of person employing	132
Do. Duties of Manager of plantation on which they are employed	133
Do. Other hirings of free	134
Immigrant—Engagement of by any person other than one arranging for introduction	45

	Section.
Immigrant—Penalty for ill-treatment on voyage	55
Do. Passage money to be paid by first employer	56
Do. Detention at Depôt after allotment	63
Do. Not allotted to be provided for	64
Do. Provision as to minor	78
Do. Rights of minor and infants	79
Do. Refusal to give infomation when apprehended	146
Interpretation of terms	2
Immigraqion Department—Work of	15 *et seq.*
Inquiry—Administration of oath on	18
Do. Taking of evidence on	19
Immigration Depôt—Detention at—after allotment	63
Inspectors, &c.—Duties and salaries of	11
Do. Visiting of plantations by	16
Ill-treatment—Determination of indenture for	204
Do. During vovage	55
Invalid List	113
Imprisonment of Indentured Immigrant—Hard labour may be ordered	241

L.

Leave of absence—Rights of immigrants to	138
License for introduction of immigrants	44, 45, 46, 47

M.

Medical Visitors—Duties of	99 *et seq.*
Do. Appointment of	13
Do. Returns	228
Do. Special visits	14
Marriage or divorce—Proof of	177
Marriage—Interpretation of Terms	157
Do. Application of Ordinance to	158
Do. Registers	159
Do, Christian Immigrants	160
Do. According to personal law	161
Do. Application to Register	162
Do. Power of S.J.P. to order Registration	162
Do. Registration of	165–174
Magistrate—Power to order indentured immigrant brought before him to be taken to Hospital	240
Do. Notification of conviction of indentured immigrant	245
Do. Notification in case of committal for trial	246
Minor immigrants	76–79
Malingerers	107

O.

Obligation of Residence	135
Overtime work	122-124
Orphans—Register to be kept by Protector	262
Orphan—Appointment of guardian	251
Do. Interference with guardian	252
Oath—Administration of on enquiry	18
Offences, minor, by immigrants	126
Do. serious do.	127
Ownership of Property—Statement of	238

P.

Previous Contract—Right of Immigrant to enforce	72
Do. Permission of H. M. Government necessary	73
Do. Special Provisions	75, 76
Protector of Immigrants—To keep register	52
Do. do. Not to issue ticket in certain cases	53

	SECTION
Protector of Immigrants—Power to act for Immigrant	234
Do. do. Attendance of in Court not necessary	235
Do. do. Appointment and salary of	6
Do. do. General duties of	7
Do. do. do. powers of	8
Do. do. Powers of supervision, &c.	15
Do. do. Power to grant Warrant of Arrest	16 (2)
Do. do. Power to summon witness on enquiry	17
Do. do. Administration of oath on enquiry	18
Do. do. Taking of evidence on enquiry	19
Public Hospital—Removal to	102
Protector of Immigrants—Power to require production of books	20
Do. do. Offences by	182
Procedure—Marriage and divorce	175
Do. generally	233 *et seq.*
Proceedings before Magistrate—Certified copy to be furnished to Protector on application	243
Property of deceased immigrant—Mode of dealing with	248
Property of deceased immigrant—Protection of Protector in relation to	249
Passage money—To be paid by first employer	56
Places of Emigration—Naming of	5
Passports—Granting of, to Immigrants	212
Do. Quitting Colony without	213
Do. Limitation, of right to	214
Do. Receiving on board ship immigrants without	215
Do. Aiding departure of immigrant without	216
Passports—Punishment for forgery of, or pass	232
Private expense—Introduction of immigrants at	37 *et seq.*

R.

Rations	88–90
Re-indenture on expiration of service on payment of bounty	80
Registration—Of marriages and divorces	165–174
Redemption money—Payable to owner	41
Regulations—Hospital	95
Do. Dwellings	85
Registers—Right to search	179
Do. To be kept on each plantation	226
Do. Making of false entry in	227
Register to be kept by Manager of cases before Magistrate	128
Register—Of immigrants from places other than British India	52
Registrars—Offences by	183–184
Repeals	276
Requisitions by Medical Officer	103
Return passages	221–224
Returns—Half-yearly—of deaths of immigrants in Public Hospitals	225
Do. Certain to be made by employer	130
Do. Penalty for making false	131
Residence on Plantation—Obligation of	135

S.

Sub-Protector of Immigrants—Appointment and salary of	9
Do. do. General duties of	10
Surgeon-General—Power to visit plantation	12
Shop—Not to be kept on or near plantation by Manager, etc.	129
Saving clauses	269 *et seq*

T.

Travelling expenses	22
Training Schools—Indian	253–262
Time work—Duration of	111
Do. Rate of wages for	113
Task work—Duration of	111
Do. Limit of per diem	112
Do. Rate of wages	114
Transfer—Of indentured immigrant	199
Do. On determination of lease	200
Do. On sale of plantation	201
Do. Temporary, permissible	203
Do. Prohibition of	207
Do. Recording of	208
Tickets to immigrants from places other than British India	52, 53

SECTION.

U.

Unlawful absence of Immigrant from plantation 137
Unindentured Immigrants 132–134
Unlawful Enlistment ... ... 217 *et seq.*

W.

Warrant of Arrest—Protector may grant on enquiry 16 (2)
Warrant of commitment—Copy to be furnished to Protector on application 244
Work—Providing of, and payment of wages 109
Witness—Power to summon at enquiry 17
Work—Assignment of 110
Do. Duration of time and task work 111
Do. Limit of task *per diem* 112
Wages—Rate of, for time work 113
Do. Rate of, per task 114
Do. Proceedings by Immigrant for recovery of 115
Do. General procedure for recovery of 116
Do. Mode of making estimate, &c. 117
Do. Unlawful withholding of 119
Do. Prohibition of stoppage of and payment in kind 120
Watchman—Services as 125
Wives of Immigrants—Protection of ... ... 185 *et seq.*

TRINIDAD AND TOBAGO.

No. 19.—1899.

17th July.

AN ORDINANCE to consolidate and amend the Laws relating to Immigration.

[L.S.]

C. C. KNOLLYS,
ACTING GOVERNOR.
30th August, 1899.

WHEREAS it is expedient that the Ordinances with regard to Immigration should be amended and consolidated in one Ordinance : Be it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

PRELIMINARY.

Short title.

1. This Ordinance may be cited as "The Immigration Ordinance, 1899."

Interpretation of terms.

2. In this Ordinance, unless the context otherwise requires—

"The Protector of Immigrants" includes the Sub-Protector and any Inspector or Assistant Inspector of Immigrants acting under the authority of the Protector of Immigrants :

"Protector of Immigrants" and "Protector" are synonymous :

"Sub-Protector of Immigrants" and "Sub-Protector" are synonymous :

"Inspector" and "Inspector of Immigrants" are synonymous :

"Employer" means the proprietor or lessee of a plantation to which immigrants are indentured or the attorney of such proprietor, and includes the manager for the time being in charge of such plantation :

"Manager" means the person for the time being having the personal charge or superintendence of a plantation and includes any overseer acting under his authority :

"Immigrant" means any person introduced into the Colony either wholly or in part at the expense of the Immigration Fund, and his children while he is under indenture ; but this definition shall not affect the special definition of the term contained in Part X. :

"Adult" means an immigrant of or above the age of sixteen years :

"Minor" means an immigrant under the age of sixteen years and of or above the age of ten years :

"Infant" means an immigrant under the age of ten years."

"Adult," "Minor," and "Infant" respectively include an immigrant of uncertain age who has been estimated by the Protector of Immigrants to be an adult, minor, or infant, as the case may be :

"Ship" includes a sea-going vessel of any description :

"Indenture" and "Indentured" mean a contact of service registered under this Ordinance and a person subject to such contract respectively :

"Plantation" means any sugar, cocoa, coconut, coffee, cotton, rice, or plantain estate in cultivation, or any two or more estates if adjacent to each other and managed as one estate, or any other piece of land in cultivation under one management of the extent of at least five acres :

"Indian Training School" means any school established for the education and industrial training of the children of Indian immigrants and certified under the hand of the Governor to be efficient for its purpose.

Division of the Ordinance.

3. This Ordinance is divided into parts as follows :—

Part I.—The Immigration Department—Sections 6–25.

Part II.—Fiscal Provisions—Sections 26–31.

Part III.—Arrival and Allotment—Sections 32–71.

Part IV.—Indenture—Sections 72–80,

Part V.—Dwellings—Sections 81–87.

Part VI.—Rations—Sections 88–90.

Part VII.—Hospitals—Sections 91–108.

Part VIII.—Labour and Wages—Sections 109–134.

Part IX.—Leave and Desertion—Sections 135–156.

Part X.—Marriage, Divorce, &c.—Sections 157–193.

Part XI.—Transfer and Determination of Indentures—Sections 194–208.

Part XII.—Certificates of Exemption from Labour—Sections 209–211.

Part XIII.—Passports, Return Passages, and Unlawful Enlistment—Sections 212–224.

Part XIV.—Registers, Returns, and Certificates—Sections 225–232.

Part XV.—Procedure—Sections 233–247.

Part XVI.—Miscellaneous Provisions—Sections 248–276.

Forms. First Schedule.

4.—(1.) The forms set forth in the First Schedule to this Ordinance shall respectively be used for and in respect of the several matters in this Ordinance upon which reference is made to them in the margin by the respective numbers of such forms.

(2.) The Protector may, with the approval of the Governor and Executive Council, from time to time cause such forms to be varied or altered or dispensed with, and also additional forms to be framed, as occasion may require, for the purpose of carrying out the provisions of this Ordinance, and such varied, altered, or additional forms shall have the same force and effect as if they were incorporated in the said schedule: Provided that every such form shall be first published in the *Royal Gazette*, and that copies thereof shall be sent by the Protector to all persons required under penalties by this Ordinance to fill up and use any form for which such form may have been substituted.

Naming of places of emigration.

5. The Governor may, with the advice and consent of the Executive Council, by Proclamation name the ports or places from which immigration is permitted to this Colony under this Ordinance.

PART I.

THE IMMIGRATION DEPARTMENT.

THE PROTECTOR OF IMMIGRANTS.

Appointment and salary of Protector of Immigrants.

6.—(1.) Her Majesty may appoint some fit and proper person to be Protector of Immigrants.

(2.) He shall receive such salary as may be assigned to him by the Legislative Council.

General duties of the Protector of Immigrants.

7.—(1.) The Protector of Immigrants shall be the head of the Immigration Department, and shall be responsible to the Governor for the efficient performance of its duties but not of the duties of the Medical Officers and for the proper carrying out of the provisions of this or any other Ordinance, whether passed before or after the commencement of this Ordinance, relating to immigration.

(2.) He shall also keep the Registers of the Immigration Department, and shall exercise and perform such other functions and duties in relation to immigration as may be prescribed by this or any other Ordinance, whether passed before or after the commencement of this Ordinance, or as may be entrusted to him by the Governor.

(3.) The Protector of Immigrants shall be Secretary to the Governor for immigration matters.

General powers of the Protector of Immigrants.

8—.(1.) The Protector of Immigrants may at any time enter into and upon any plantation on which indentured immigrants may be employed, and inspect the condition and general treatment of the immigrants and the condition of their dwellings, and of the yards and grounds about the same, and of the hospital accommodation, and may inquire into any complaint which the employer may have against any immigrant, or which any immigrant may have against the employer, or which may be reported to him by the Surgeon-General or be otherwise brought to his notice, and may require any immigrant to be brought before him on any such visit, and may, either before or after such inquiry, lay an information or make a complaint in his own name, on behalf of any such immigrant against the employer or against any other person before the Magistrate of the district, and may, if necessary, lay such information or make such complaint in any other court of Justice of the Colony, other than that of the Magistrate of the district, having jurisdiction to hear, try, and determine the offence or other matter charged against such employer or other person.

(2.) The Protector of Immigrants shall watch the proceedings on any such information or complaint on behalf of such immigrant, or may, if necessary, carry the same for review by way of appeal before any superior court having jurisdiction in the case, and may in such superior court retain the services of counsel and may in all respects act on behalf of such immigrant as if he himself were the principal in the cause; and he shall report the course of such proceedings from time to time, and the final result thereof, to the Governor.

SUB-PROTECTOR OF IMMIGRANTS.

Appointment and salary of Sub-Protector of Immigrants.

9.—(1.) The Governor may appoint some fit and proper person to be Sub-Protector of Immigrants.

(2.) He shall receive such salary and allowances as may be assigned to him by the Legislative Council.

10. (1.) The Sub-Protector of Immigrants shall act as an assistant generally to the Protector in the performance of his duties. General duties of the Sub-Protector of Immigrants.

(2.) In the absence of the Protector anything which may by law be done or suffered by the Protector may be done or suffered by the Sub-Protector.

(3.) The Sub-Protector shall be stationed at the Immigration Office in Port-of-Spain.

INSPECTORS.

11. (1.) The Governor may appoint such and so many fit and proper persons to be Inspectors, Assistant Inspectors, Clerks, Interpreters, and other officers residing in the Colony respectively as may be necessary for the performance of the ordinary duties of the Immigration Department. Appointment, duties, and salaries of Inspectors, &c.

(2.) The Governor may assign to any such officer a district or place within which to act in the performance of his duties, and may at any time remove him from one such district or place to another.

(3.) Every such officer shall receive such salary and allowances as may for the time being be assigned to him by the Legislative Council.

MEDICAL OFFICERS.

12. The Surgeon-General may whenever he thinks fit personally visit or depute any District Medical Officer to visit any plantation on which there are immigrants, and inspect the dwellings of the immigrants, the yards and grounds about the same, and the hospital, and all books and registers kept in connexion with the hospital. Power to the Surgeon-General to visit plantations, &c.

The Surgeon-General shall receive for the services he is required to perform under this Ordinance a salary at the rate of One Hundred Pounds per annum, and such salary shall be paid from the funds applicable to Immigration.

13. It shall be lawful for the Governor from time to time to appoint such persons as he shall see fit, being Members of the Medical Board of the Island, to be Medical Visitors of plantations, and to assign to each of such visitors a district to comprise such part of the Island as the Governor may see fit, and the person so appointed shall hold office during the pleasure of the Governor, and any such Medical Visitor shall act as the Medical attendant of the hospitals certified under this Ordinance within the district assigned to him. Appointment of Medical Visitors of plantations.

14. Whenever it appears to the Protector to be necessary to require, under the provisions of this Ordinance, that a special visit should be made to a plantation, or to require the presence and assistance of a Government Medical Officer in conducting any investigation under the provisions of this Ordinance on a plantation, the Protector may make a requisition to the Surgeon-General for the services of a Government Medical Officer for such purpose, and the Surgeon-General shall thereupon cause such services to be rendered. Requisition for special visit of Government Medical Officer.

WORK OF THE DEPARTMENT.

15. (1.) Subject to the control of the Governor, the Protector shall have authority over the Sub-Protector, Inspectors, Assistant Inspectors, Clerks, Interpreters, and other persons employed in the Immigration Office, and shall, subject to the provisions of the next succeeding section, assign to each his duties, and may delegate to the Sub-Protector or any Inspector the exercise or performance of any of his functions or duties, but without diminution of his own responsibility, and may also employ such persons as he may deem necessary as interpreters or judges of work under the provisions of this Ordinance, and may award any such person for his services a sum not exceeding five dollars for each day on which he may be so employed. Powers of supervision, etc., of the Protector of Immigrants.

(2.) All expenses so incurred by the Protector, or by any subordinate officer under his directions, shall be paid from the Immigration Fund.

16.—(1.) It shall be the duty of every Inspector, whenever so required by the Protector, upon some day of which he may give previous notice to the manager, to visit every plantation on which there are indentured immigrants; to enquire into all cases of unlawful absence from work, to receive and take cognizance of any complaints of immigrants, and thereupon to give advice, to conduct investigations, and to institute prosecutions, as the circumstances may require; and to assist the Magistrate, if required, in the estimation of wages. Visiting of plantations by Inspector.

(2.) The Protector may grant a warrant for the immediate arrest of any person who upon any such investigation may appear to him to have been guilty of any breach of the peace or of any offence against this Ordinance. Power to Protector to grant warrant.

17. (1.) The Protector or any Inspector may summon any person as a witness whose evidence he considers necessary for the proper determination of any inquiry held by him under this Ordinance. Power to summon witness on inquiry.

(2.) The summons shall be delivered to the Chief Officer of Police of the district by the Protector or Inspector who shall cause the same to be served in the same manner as a summons issued by a Magistrate is required to be served. Form No. 1.

(3.) Every person on whom any such summons has been duly served who, without any reasonable excuse, refuses or neglects to attend at the time and place mentioned in such summons shall be liable to a penalty not exceeding Five Pounds.

Administration of oath on inquiry. Forms Nos. 2 and 3.

18.—(1.) The Protector or Inspector may require every statement given by any person at any inquiry held by him under this Ordinance to be given upon oath, and for such purpose he is hereby authorized to administer to every such person an oath.

(2.) Every person who refuses to be so sworn when thereto required shall be deemed to have hindered the Officer holding the inquiry in the execution of his duty, and shall be liable to be punished accordingly.

(3.) Every person who, after being so sworn, wilfully makes a false statement as to any matter material to the proper determination of the matter then in question shall be deemed guilty of perjury and shall be liable to be indicted and, if convicted, to be punished accordingly.

Taking of evidence on inquiry.

19.—(1.) The Protector or Inspector shall, when holding any inquiry under this Ordinance, take down in writing, if necessary, the material portions of the statements made by the employer, by the immigrant, or by any witness, and may require all parties to sign such statement if the same has been correctly taken down.

(2.) Every employer or witness or immigrant who refuses to sign, or, if he is unable to write, to put his mark to the statement made by him, if the same has been correctly taken down, when required so to do by the Officer holding the inquiry, shall be deemed to have hindered such Officer in the execution of his duty, and shall be liable to be punished accordingly.

Power to require production of labour books.

20.—(1.) The employer of any indentured immigrant shall be bound to produce to the Protector whenever required so to do and as often as may be required, each and every book of accounts kept by such employer in any way relating to the labourers employed on the plantation or in any way showing the wages paid to such labourers or to any of them, and to permit the Protector to make copies of the same or any portion thereof.

(2.) If any such employer refuses or neglects so to do, when thereto required, he shall be deemed to have hindered the Protector in the execution of his duty, and shall be liable to be punished accordingly.

Refusing to obey Protector or Inspector, or molesting officer in execution of duty.

21. Every immigrant who refuses or neglects to obey any lawful and reasonable command of the Protector, or any Inspector, and every person who molests, hinders, or opposes any Officer acting under this Ordinance in the execution of his duty, or in the exercise of any of the powers or authorities conferred upon him by this Ordinance, shall be liable to a penalty not exceeding Twenty Pounds or to imprisonment, with or without hard labour, for any term not exceeding six months.

Travelling expenses.

22. All travelling expenses incurred by any Officer of the Immigration Department or by the Surgeon-General or by any Officer deputed by him in the performance of his duties, and attested by proper vouchers, shall be paid from the Immigration Fund.

EMIGRATION AGENCIES.

Appointment and salary of Emigration Agent.

23.—(1.) The Governor may appoint some fit and proper person to be Emigration Agent to superintend the emigration of labourers from any port or place from which immigrants may be introduced into this Colony, and such person so appointed shall hold office during the Governor's pleasure.

(2.) Every such Emigration Agent shall receive such salary and allowances as may for the time being be assigned to him by the Legislative Council.

Appointment and salaries of Clerks, etc., to Emigration Agent.

24.—(1.) The Governor may, upon the recommendation of the Emigration Agent in any such port or place, appoint such and so many fit and proper persons as may be necessary as Clerks, Interpreters or otherwise, to be employed in the work of the Emigration Office of this Colony in such port or place.

(2.) Every such person shall receive such salary and allowances as may for the time being be assigned to him by the Legislative Council.

Accounts and expenses of Emigration Agent.

25.—(1.) Every Emigration Agent shall transmit his accounts to the Protector, with proper vouchers, at such times as the Governor may direct.

(2.) The amount of all necessary expenses incurred by any such Emigration Agent in the collection, maintenance, medical attendance, and inspection of emigrants and for their conveyance to this Colony, and of all just and reasonable expenses incurred by him in or incidental to the sending back to their homes of any emigrants who may be rejected at the port of embarkation, or in or incidental to the sending back to the port from which they sailed of any emigrants entitled to free return passages under this Ordinance, which may be attested by proper vouchers, shall be paid from the Immigration Fund.

PART II.

FISCAL PROVISIONS.

Establishment of Immigration Fund.

26. For the purpose of this Ordinance there shall be a fund, to be called the Immigration Fund, which shall be administered by the Receiver-General, subject to the control of the Governor.

Formation of and charges upon the Immigration Fund.

27. The Immigration Fund shall be credited with all sums received on account of indenture fees, on account of the Immigration tax levied by any Ordinance for the time being in force, on account of any vote in aid of immigration for the time being made by the Legislative Council, and on account of all other matters, and shall be debited with the whole annual cost of immigration under this Ordinance.

Employer to be charged with indenture fee.

28. Every employer to whom any immigrant shall be indentured shall be charged with the payment to Her Majesty, Her Heirs and Successors, of the sum of Five Pounds as fees on the indenture of such immigrant of which sum one-fifth part shall be paid previously to the execution of the indenture or the endorsement by the Protector of the contract of service and a like fifth part shall be paid annually at the commencement of the second year and every subsequent year and all such payments shall be made although such immigrant shall have died or become incapable of work, or shall have been absent from the plantation in respect of which he shall have been indentured: Provided always that when the indenture of any such immigrant shall be cancelled by the order of the Governor or such immigrant shall before the expiration of his term of service obtain from the Protector a Certificate of Exemption from Labour, such employer shall be discharged from any further payment in respect of such immigrant.

Penalty on non-payment of fees.

29. Where any fees or other sums of money payable by any employer in respect of any indentured immigrant under this Ordinance shall remain unpaid for a period of one month after they shall have become due, the employer shall be subject to a penalty at the rate of ten per cent. on the amount of such fees or other sums of money, to be paid and recovered together with such fees or other sums of money.

Indenture fees to be a first charge on plantation.

Form No. 4.

30. All Fees on indenture payable to Her Majesty under this Ordinance shall be a first charge on the plantation named in the indenture of the immigrant in respect of whom such monies shall be payable and shall be paid by the person in possession of such plantation to the Receiver-General on the last day of the month in which such fees shall be payable, and every employer or his agent shall make out and deliver to such Receiver-General a return or list in duplicate showing the name of the plantation, and the names and distinguishing numbers of the immigrants in respect whereof any such fees of indenture shall be payable and shall pay the amount of all such fees, and the Receiver-General shall at the foot of each such return certify the payment of such fees and shall deliver one such return so certified to the person paying such fees and shall deliver the other such return to the Protector to be kept by such Protector.

Advances to be paid from Immigration Fund.

31. The amount advanced to any indentured immigrant previous to his embarkation shall be paid from the Immigration Fund.

PART III.

ARRIVAL AND ALLOTMENT.

APPLICATION.

Making of application for immigrants.

Form No. 5.

Form No. 6.

32. Every employer who desires to obtain an allotment of immigrants shall, on or before the first day of February, or such other day in each year as may be from time to time fixed by the Governor, send in to the Protector an application in writing on a prescribed form specifying the number of immigrants required, the name and situation of the plantation to which he wishes such immigrants to be assigned, and the name of the proprietor or lessee of such plantation; and the Protector shall register every such application in the Register of Applications for Immigrants.

Subsistence of application notwithstanding death, etc.

33. No application shall be rendered invalid, or be in any way affected, by reason of the death, bankruptcy, or absence of the employer by whom such application was made, or by reason of the sale by private contract, or at execution sale of the plantation in respect of which such application has been made, and no application duly made may be withdrawn without the permission of the Protector.

Application by Head of Department.

34. The Head of any Department of the Public Service may, with the sanction of the Governor, apply for the allotment of such immigrants as may be required for the service of the Colony in his Department, and shall be considered, for the purposes of this Ordinance, as the employer of such immigrants as may be allotted in consequence of such application.

Refusal of application.

35. Nothing in this Ordinance shall be held to interfere with the power of the Protector, subject to the control of the Governor, to refuse any application for immigrants, or to refuse to deliver immigrants applied for on the arrival of such immigrants, if he sees reasonable grounds for such refusal, but every such refusal and the grounds thereof shall be communicated to the employer as soon thereafter as possible, and also to the Governor.

Determination of number of immigrants to be introduced.

36. When the applications for immigrants have been completed in any year, a list of such applications shall be submitted by the Protector to the Governor, and the question how far and in what proportions they can be complied with shall thereupon be considered and determined by the Governor and Legislative Council.

IMMIGRANTS INTRODUCED AT PRIVATE EXPENSE.

Immigrants may be introduced at private expense.

37. Whenever any person shall be desirous of having any immigrants introduced into the Colony for the particular service and at the expense of such person, it shall be lawful for the Governor on application in writing, by or on the behalf of such person, and on security being given by or on behalf of such person to the satisfaction of the Governor for the payment of the expenses to be incurred in the introduction of such immigrants, to make order for the introduction of such immigrants in addition to the number of immigrants to be introduced at the public charge.

Applicants to pay cost of introduction.

38. Every person applying for any immigrants under the preceding section shall on the arrival of such immigrants pay into the Colonial Treasury the amount payable by the Government for the passage and gratuities of such immigrants including such children as shall accompany such immigrants, and also a further sum not exceeding Three Pounds Fifteen Shillings for every statute adult as the costs of agency and other expenses in the collection of such immigrants as shall have been embarked.

Immigrants so introduced to be indentured.

39. On such payments being made the immigrants who shall have been so introduced shall be indentured to the employer for whose service they shall have been introduced, and in respect of such plantations as shall be appointed by or on behalf of such employer ; and every such immigrant shall be deemed an immigrant within the meaning of this Ordinance, and shall be bound for a service of three years on the plantation in respect of which he shall be indentured ; and the indenture of such immigrant shall at the expiration of the third year and again at the expiration of the fourth year be deemed to be extended for one year, unless such immigrant shall obtain a certificate of industrial residence, or be re-indentured in the manner provided by this Ordinance.

No fee payable in respect of immigrant.

40. No fee or other payment shall be payable in respect of the indenture of any such immigrant so long as he shall remain in service on the plantation in respect whereof he shall be so indentured.

Redemption money to be paid to owner.

41. In case any such immigrant shall before the expiration of an industrial residence of five years redeem by payment any portion of his industrial residence or be indentured to any other employer, the Protector shall hand over to the owner of the plantation in respect of which such immigrant shall have been originally indentured all sums of money which shall be paid to such Protector by such immigrant for the redemption of any portion of his industrial residence or on his being indentured to a new employer.

Power of Governor to cancel indenture.

42. The Governor and the Protector respectively may by notice in the *Royal Gazette* cancel the indenture of any such immigrant for any cause which may be sufficient within the meaning of this Ordinance, and in every such case all sums of money which shall from time to time be paid by such immigrant or any new employer of such immigrant to the Protector shall from time to time be paid over by the Protector to the owner of the plantation in respect of which such immigrant shall have been originally indentured.

Immigrants from places other than British India.

43. The introduction of immigrants from any place or places not within British India shall be conducted in the manner hereinafter provided, and no immigrant from any place or places aforesaid shall be introduced except in terms of the provision of this Ordinance. The immigrants so introduced shall, under the conditions and in the manner hereinafter specified, be competent to enter into contracts of service for any period not exceeding five years.

License from Governor for introduction of immigrants.

44. Any person desirous of introducing into the Colony such immigrants shall, previous to the departure of the vessel from Trinidad—if such vessel be chartered in the Colony, apply to the Governor for a license authorising such introduction ; and the Governor shall have power, if he thinks fit, to grant the same under such conditions as to him may seem proper.

License in certain other cases.

45. In case the vessel by which it is desired to introduce such immigrants shall be chartered at any place without the Colony of Trinidad, such license may be granted by any British Consul, Agent, or Emigration Agent at or near such place whom the Governor shall authorise to grant the same ; but no license shall be valid unless granted under such conditions as the Governor of Trinidad may direct.

License limited.

46. Every license to be granted under the provisions hereof shall be limited to the vessel and to the place or places which shall be specified therein, and shall require to be renewed upon every successive voyage.

Master to provide immigrant with food.

47. No license shall be granted to the master of any ship to carry immigrants to Trinidad unless he enters into a Bond to provide for and furnish to every such immigrant such quantity of good and wholesome food as may from time to time be specified by the Governor of Trinidad for his daily maintenance during such voyage, and during the space of 48 hours next after the arrival of such ship or vessel at Trinidad.

ARRIVAL.

48. On the arrival in the port of Port-of-Spain of any ship having immigrants on board, the Protector, assisted by a Medical Officer, shall inspect the ship and immigrants, and ascertain whether the provisions of the following Acts of Parliament, namely, the 16th and 17th Vict., cap. 84, the Chinese Passengers Act, 1855, and the Passengers Act, 1855, and of any other statute in that behalf now or hereafter to be in force, so far as they may be applicable, have been complied with, and shall report to the Governor the condition of such ship and immigrants, and shall transmit with such report the Surgeon Superintendent's return of deaths and births and certificate of performance by the owners of the covenants and conditions of the charter-party, and also a certificate of the amount due for freight to such owners, and shall likewise require and transmit the report of the Medical Officer who has assisted him in the inspection. Inspection of ship with immigrants on arrival.

49. The Protector shall, with the assistance of the Government Medical Officer and of the Surgeon Superintendent of the ship, examine the sick, if any, among the immigrants on board, and shall cause such of them as may need it to be detained at the Immigration Depôt or to be sent to the Colonial Hospital, and shall transmit with them a list, signed by the Medical Officer who has assisted him in the inspection, stating the name, sex, age, disease, and length of time under treatment of every immigrant so sent, and the number by which he was designated on board ship. Disposal of sick immigrant on board ship.

50. Every immigrant arriving in the Colony shall be provided with food and lodging in the Immigration Depôt, until he is allotted and delivered to an employer: Provided that if an immigrant is, in the opinion of the Protector, not capable of performing service under indenture, such immigrant may be detained at the Depôt until he can be returned to the port or place from whence he came or until he is otherwise dealt with by the Protector. Board and lodging of immigrant on arrival.

51. If any labourer arriving in this Colony from any port or place other than British India from which Immigration shall have been permitted by Proclamation shall before his arrival have contracted with any person to perform service in this Colony, such contract shall when approved and countersigned by the Protector and subject to such alterations as the said Protector may with the consent of the parties have made therein be valid in this Colony for the full period named in such contract not exceeding five years; Provided that except as hereinafter mentioned no such contract shall be approved and countersigned, unless the same shall purport to have been signed with the names or marks of the contracting parties and attested by some Notary Public or British Consul, or by some other person approved by or acting under the authority of Her Majesty's Government, who shall declare that the parties entered into it voluntarily and with a full understanding of its meaning, nor unless the Protector shall be satisfied that the immigration has been carried on in accordance with all existing regulations of the Imperial and the Colonial Government. Contract of immigrant valid when approved by Protector.

52. The Protector shall keep a separate Register in the Form No. 7 hereunto annexed, for the immigrants introduced from elsewhere than British India. A ticket shall also be given to each of such immigrants in the Form No. 8 hereunto annexed, in which shall be specified the period for which the said immigrant is competent to engage. Arotector to keep Register. Form No. 7. Form No. 8.

53. It shall not be lawful for the Protector to issue any tickets to any such immigrant, unless proof shall have previously been given to him that the person desiring to engage such immigrant has paid or satisfied the owner, agent or master of the vessel in which the said immigrant was brought, for the passage money, and all other expenses due in respect of such immigrant, as the same shall be fixed in the manner herein provided or unless the said master, owner, or agent shall consent to such ticket being issued. But provided that the said Protector shall be entitled, and on application therefor shall be bound to issue a ticket authorising an engagement for any period not exceeding one year to any immigrant who shall have been allowed to land or to remain in the Colony, or who shall have been under the charge of the said Protector as aforesaid for any period longer than fourteen days without having been engaged in terms of the preceding articles hereof. Protector not to issue ticket in certain cases.

54. In case any person shall have made arrangements with the master, owner, or agent of any vessel for the introduction of such immigrants, with a view to their engagement with himself in terms of this Ordinance; and in case any of the immigrants introduced in consequence of such arrangements shall be induced to engage with another person, such other person shall in addition to the passage money and all other expenses payable as aforesaid on account of the immigrants so to be engaged by him, and previous to the issuing of a ticket as herein aforesaid, pay to the Protector 25 per cent. on the amount thereof, which 25 per cent. shall be paid by the Protector to the person by whom such arrangements for the introduction of the said immigrant shall have been made. Provided that previous to the departure of the vessel from the Colony for the purpose of bringing such immigrants, if the vessel shall be chartered there, or from any other place where she shall be chartered for such a purpose, such person shall have transmitted to the Protector a certificate signed by himself and by the master, owner, or agent of the vessel as nearly as may be in Form No. 9 hereunto annexed; and also provided that the said Protector shall be satisfied from entries in the ship's books, or any other evidence that the immigrants in respect of whom the said 25 per cent. shall be claimed, were embarked under the said arrangement on account of the person claiming the same. Engagement of immigrant by any person other than one arranging for introduction. Form No. 9.

55. The master of any ship or vessel by which immigrants shall have been brought to Trinidad from any port or place as aforesaid who shall not have furnished to such immigrants, during the voyage, a sufficient quantity of good and wholesome provisions and water, or who shall in any way ill-treat any such immigrant while on board his vessel, shall incur a penalty not exceeding One Penalty for ill-treatment of immigrant during voyage.

Hundred Pounds, and, in default of payment shall be imprisoned for a period not exceeding twelve months.

Passage money to be paid by first employer of immigrant.

56. The passage money and the expenses of introduction shall be in no case a debt recoverable from such immigrant, but shall be paid by the employer with whom any such immigrant may first enter into a written contract of service.

Application of certain provisions of this Ordinance.

57. The provisions of this Ordinance relating to forfeiture of wages, rations, and penalties incurred for unlawful absences from work, and any law relating to the recovery of wages and arrears of wages, the providing of rations and medical treatment, and the annulling or cancelling of contracts of service, are hereby extended to immigrants engaged and introduced from any port or places as aforesaid.

ALLOTMENT.

Order of allotment.

58. Allotment shall, in the first place, be made to the Head of any Department of the Public Service of such immigrants as he may have applied for, and afterwards to the several employers who have made application, in such order as the Governor may from time to time direct, and in such manner as the Protector may determine.

Allotment for domestic service.

59. The Protector may allot immigrants under this Ordinance for domestic or other service when all the approved applications for immigrants have been complied with, or when any particular immigrants are, in his opinion, by their physical condition or previous occupation, more fitted for employment in domestic or other service than for agricultural labour: Provided that no such allotment shall be made without the consent of the immigrant proposed to be so allotted.

Conditions of allotment.

60. In making an allotment, husbands shall not be separated from their wives, nor minors and infants from their parents or natural guardians, and, so far as may be possible, members of the same family and neighbours from the same village, and persons who may agree in representing themselves to be friends and associates, shall not be separated from each other.

Indenture fee payable in respect of immigrant not able-bodied.

61. In any allotment the Protector shall, with the assistance of a Government Medical Officer, distinguish every immigrant who is, in his opinion, not able-bodied and not capable of performing service as an agricultural labourer. Provided that the classification on arrival as able-bodied or otherwise shall not be regarded as applying to the whole period of indenture, if the circumstances in any case otherwise require.

Mode of indenture.

Form No. 10.

Form No. 11.

62.—(1.) On the completion of every allotment or other disposition of immigrants on introduction, the Protector shall register every immigrant included in such allotment or disposition in the General Register of Immigrants introduced into the Colony, distinguishing, to the best of his ability, such as are adults, minors, and infants respectively, and shall number therein each of such immigrants by a particular number, commencing from the last number borne on such register and proceeding by regular numerical progression, and shall deliver to the employer an Indenture List, signed by himself, and a duplicate of such list shall be signed and delivered by the employer to the Protector.

(2.) On the delivery of such list, every immigrant mentioned therein shall become bound by such indenture.

(3.) The Protector shall also transmit to the Receiver-General a return showing the number of immigrants included in such allotment, and the sums payable by way of indenture fees or otherwise in respect of such immigrants.

Detention of immigrant after allotment at the depôt.

63. If any employer to whom an allotment is made does not take away the immigrants allotted to him within four days after receiving notice that they are ready for delivery, or if the Protector deems it necessary to detain such immigrants at the Depôt on account of satisfactory accommodation not having been provided for them at the plantation to which they are allotted, or for any other cause which, in the opinion of the Protector, renders such detention necessary, the employer shall pay to the Immigration Fund at the rate of sixteen cents for each adult immigrant, and eight cents for each minor and infant immigrant for every day that such immigrant remains at the Depôt.

Immigrant not allotted to be provided for.

64. If any immigrants shall not on their arrival be immediately allotted to any employer, the Protector shall provide them with food and lodging until the means of earning their own subsistance be procured for them and shall in the meantime employ them in such manner as the Governor may from time to time direct, and the cost of such food and lodging shall be borne by and paid from the Immigration Fund.

Annual publication of list of ships and of allotment of immigrants.

65. The Protector shall, as soon as possible, after the first day of April in every year, publish in the *Royal Gazette* a list of all ships which have arrived with immigrants, and a statement of the allotment and distribution of such immigrants, during the preceding season.

No allotment of immigrant paying expenses of introduction.

Form No. 12.

66. The Protector may at the request of any immigrant and on his paying to the Protector all the expenses incurred in respect of his introduction into the Colony not allot any such immigrant to and plantation and such immigrant shall thereupon be entitled to a Certificate of Exemption from labour.

67. Where it shall be shown by the returns to be made under the provisions of this Ordinance, or it shall be otherwise made to appear to the satisfaction of the Protector, that thirty per cent. of the adult male immigrants indentured to any plantation have during the twelve months ending on the thirtieth day of June of any year earned a less amount of wages than will give an average for each of such immigrants of sixpence for every day during the twelve months, it shall not be lawful for the Protector to make any further allotment to such plantation from the immigrants who may be introduced into this colony during the year next ensuing after such thirtieth day of June. Provided that in computing for the purposes of this section the number of immigrants indentured and the number earning such less amount there shall be excluded all immigrants so indentured who are for the time being

Form No. 12. No allotment in certain other cases.

(*a.*) Dead.

(*b.*) Blind or otherwise totally disabled from permanent ill-health, accident, or physical infirmity, including any person to whom a certificate of exemption has been granted under the provisions of Section 211, or classified as not able-bodied under Section 61 hereof;

(*c.*) In prison awaiting trial, or under conviction for any offence punishable with imprisonment with hard labour for six months.

Provided also that it shall be lawful for the Governor to relieve any plantation from the operation of this section when good reason is shown to his satisfaction for a larger proportion of the adult male indentured immigrants on such plantation earning during the said period a less amount of wages than will give such six pence a day.

DEATH RATE.

68. The Protector shall, as soon as may be after the thirtieth day of June in each year, make a return certifying in respect of each plantation the death-rate upon such plantation during the year ending on such thirtieth day of June, and also the mean death-rate, ascertained as in this Ordinance is mentioned, of such plantation.

Annual return of death-rate.

The Protector shall also make a return certifying for the period of five years ending on the last preceding thirtieth day of June the general mean death-rate among indentured immigrants throughout the Colony.

Form No. 13.

The Protector shall exclude from the computation of any death-rate, deaths arising from the sentence of the law, murder, suicide, manslaughter, and, if he sees fit, from unavoidable accident, or epidemic disease.

The returns mentioned in this section shall be published in the *Royal Gazette*. A copy of the *Royal Gazette* purporting to contain any such return shall be conclusive evidence of the contents of such return and of the facts certified in such return.

69. The mean death-rate of any plantation shall be ascertained as follows:—

Mode of ascertaining mean death rate.

1. In the case of a plantation upon which indentured immigrants have been employed for a period of not more than one year by taking the actual death-rate of such period among indentured immigrants;

2. In the case of a plantation upon which indentured immigrants have been employed for a period of more than a year but not more than five years by taking the mean annual death-rate for the whole of such period among indentured immigrants; and

3. In the case of a plantation upon which indentured immigrants have been employed for a period of more than five years by taking the mean annual death-rate for the last five years of such period among indentured immigrants.

70. The death-rate of any plantation shall be deemed excessive under the following circumstances:—

Excessive death-rate.

1. In the case of a plantation as to which the last death-rate returns extend over a period of less than three years where the mean death-rate of such plantation as shown by such returns exceeds six per cent.; and

2. In the case of a plantation as to which the last death-rate returns extend over a period of not less than three years, where the mean death-rate of such plantation shown by such returns exceeds by one per cent. or more the general mean death-rate of indentured immigrants shown by the same returns.

"Last" in this section means last published in the *Royal Gazette* pursuant to this Ordinance.

71. Where the mean death-rate of any plantation as shown by the death-rate returns is excessive, the Protector shall not, unless under the authority of the Governor signified by writing under his hand, make in the year following the day up to which the returns are made any allotment of immigrants to such plantation, nor shall he in any subsequent year unless satisfied that an allotment may be made with due regard to the health of the allotted immigrants make any such allotment.

Consequences of excessive death-rate.

PART IV.

INDENTURE.

Right of immigrant to enforce previous contract made with him.

72. If any immigrant is introduced into the Colony under a previous contract entered into with any Emigration Agent or other officer of the Emigration Office of this Colony in the country from which he may have emigrated, or with any employer or agent of an employer, such contract shall be valid and enforceable in every respect as against the Colony or the employer, as the case may be, and, in so far as the rights of such immigrant may exceed or vary from the rights which he would have enjoyed under this Ordinance if he had not entered into such contract, he shall be entitled to the benefit of such contract.

Case of previous contract made with Indian immigrant.

73. Except by permission of Her Majesty's Government previously had and obtained, no previous contract entered into with any immigrant from any part of India shall be valid as against such immigrant.

Term of indenture.

74. The indenture of any immigrant arriving in the Colony from any part of her Majesty's Dominions in the East Indies, and, in the absence of any previous contract made out of the Colony in that behalf, of any immigrant arriving in the Colony from any other port or place from which immigration shall have been permitted, shall be for the term of five years from the date of allotment. Provided that, for the purposes of labour under Part VIII., the indenture of a female immigrant shall be for the term of three years only from the date of her allotment, and in their application to such immigrant the provisions of this Ordinance shall be subject to this enactment.

Special provisions respecting previous contracts.

75. Upon the indenture of any immigrant introduced under any previous contract, a copy of such contract shall be preserved in the Immigration Office, and other copies of such contracts shall be appended to the indenture list given to the employer; and the indenture shall be subject to such contract in so far as such contract is enforceable under this Ordinance.

Case of previous contract made with minor immigrant, etc.

76. No minor or infant immigrant shall be bound by any such previous contract, whether the same is alleged to have been entered into by himself or on his behalf.

Exemption of infant immigrant from indenture.

77.—(1.) No infant immigrant shall be indentured or shall be compelled to perform any service whatever upon any plantation: Provided that where any immigrant is under the age of ten years on introduction into the Colony, he shall, on attaining that age, be deemed to be under indenture until the expiration or determination of the indenture of the relative or friend under whose charge such immigrant has been introduced, and shall be deemed to be under indenture to the employer to whom such relative or friend is indentured until such event as aforesaid.

(2.) At the determination or expiration of the indenture of such relative or friend, every immigrant who has been introduced under the age of ten years shall be entitled to a certificate of exemption from labour, whether he has been indentured or not.

Provision as to minor immigrant.

78. Every indentured minor immigrant shall, on attaining the age of sixteen years, become an indentured adult immigrant.

Rights of minor, etc., immigrant residing on plantation.

79. Every minor or infant immigrant residing on a plantation, and every immigrant indentured as other than an able-bodied immigrant, shall be entitled to the same rights, privileges, and immunities as able-bodied immigrants under indenture are entitled to under this Ordinance.

Re-indenture on expiration of term of service.

Form No. 14.

80. When and so often as any immigrant who shall have already completed or shall hereafter complete a service under indenture of five years within this Colony shall be willing to enter into any engagement to labour for any employer, it shall be lawful for the Protector from time to time, if he shall see fit, and on payment to such immigrant by such employer of such premium or bounty, if any, as may be agreed upon between such immigrant and such employer, to indenture such immigrant to such employer for such time not exceeding twelve months as may be agreed upon between such immigrant and such employer, and every such indenture may be according to the form in the Schedule to this Ordinance; and the Protector shall keep a Register of such immigrants and shall enter opposite the name of such immigrant the day on which and the time for which such indenture shall be made.

PART V.

DWELLINGS.

Information about dwellings to be furnished by employer.

81. No immigrants allotted to a plantation shall be delivered to the employer until the employer has furnished the Protector with any information required by him with regard to the dwellings to be assigned to such immigrants.

Providing of suitable dwelling for indentured immigrant.

82. Every employer shall at all times provide an immigrant under indenture upon his plantation with a suitable dwelling and keep such dwelling in sufficient repair and the roofs of the same water-tight, and shall keep the yard and grounds for a sufficient space round about such

dwelling well drained, and the drains clean and in good order, and the yard and grounds free from bush and from weeds and rubbish of every description, except as hereinafter provided.

Assignment and superficial capacity of dwellings.

83. No dwelling which is, in the opinion of the Surgeon-General, unfit for habitation shall be assigned to any indentured immigrant; and no greater number of immigrants shall be assigned to any dwelling or separate apartment, except with the special permission of the Surgeon-General, than at the rate of one adult to every fifty feet of superficial space, or of three single men, or of one man and one woman with not more than two children, to every one apartment of not less than one hundred and twenty feet of superficial space.

Keeping of register of dwellings.

Form No. 15.

84.—(1.) Every manager shall keep a register of all such dwellings on his plantation as are, or are intended to be, assigned to indentured immigrants for their habitation, and shall from time to time enter on such register the names of all the indentured immigrants in each house or apartment.

(2.) Such register shall be at all times open to the inspection of the Protector, of the Surgeon-General, and of the Government Medical Officer, and the Government Medical Officer shall mark therein, under his signature, such dwellings as he may from time to time consider to be unfit for habitation, and also such dwellings as he may have permitted to be occupied in excess of the scale authorized by this Ordinance, with his reasons for such permission.

(3.) The Medical Officer shall report to the Surgeon-General such requisitions as he may deem necessary for ensuring the sanitary fitness of such dwellings for habitation, and a copy of every such requisition shall be transmitted by the Surgeon-General to the Protector, and by the Protector to the employer; and every such requisition shall be complied with by the employer.

Provided that if the employer considers any such requisition unreasonable he may make such representation as is hereinafter provided in the case of requisitions in the Case and Hospital Register.

Making of regulations in respect of dwellings.

85.—(1.) The Protector may, with the assistance of the Surgeon-General, make such Regulations as may seem necessary for the proper construction, arrangement, and drainage of the dwellings of indenture immigrants, with the yards and grounds about the same.

(2.) All such regulations shall be subject to the approval of the Governor and Legislative Council, and copies thereof shall be sent to the manager of every plantation on which there are indentured immigrants.

Default of employer in respect of dwelling.

86.—(1.) If any employer fails to provide any immigrant indentured to him with a suitable dwelling, it shall be lawful for the Protector with the approval of the Governor to remove all or any of the indentured immigrants from such plantation, and to transfer any such immigrants for the unexpired remainder of their terms of service to any other employer who may be willing to accept their services and to pay the remaining indenture fees.

(2.) And every employer who in any respect refuses or neglects to comply with the provisions of this Ordinance, or with the regulations made thereunder, in respect of the repair, occupation, arrangement, and drainage of such dwellings, or in respect of the register of dwellings, shall be liable, on the complaint of any immigrant thereby aggrieved or of the Protector, to a penalty not exceeding Five Pounds.

Default of indentured immigrant in respect of dwelling.

87. On complaint by any employer the Protector may, after enquiry held by him under this Ordinance, make order that any indentured immigrant who—

(1.) Refuses or neglects to keep the yard and the drain, if any, at the front and the back of his dwelling, for a space not exceeding twenty feet on either side, free from bush and from weeds and rubbish of every description; or

(2.) Keeps his dwelling in so filthy or unwholesome a state as to be a nuisance or injurious to health; or

(3.) Refuses or neglects, within a reasonable time after being thereto required by the manager, to remove any nuisance or substance injurious to health from his dwelling, or to remove any such nuisance or substance which he may have caused or placed in the immediate proximity of his own or of any other dwelling; or

(4.) Commits any nuisance on any dam or common thoroughfare of the plantation or in the vicinity of any dwelling on the plantation; or

(5.) Wilfully causes any obstruction to any drain or trench on the plantation; or

(6.) Wilfully fouls any fresh water pond or trench of the plantation,

shall pay to his employer as damages for such action, refusal or neglect, any sum not exceeding One Pound, to be deducted from his wages in such manner as the Protector by order in writing may direct.

PART VI.

RATIONS.

Providing of rations for twelve months after allotment.

Form No. 16.

88. Every employer to whom any immigrants may be allotted shall, for twelve months from and after the first date of delivery to him of the immigrants included in such allotment, provide and distribute twice in every week to every such immigrant, being an adult or minor such rations of food as are specified in the First Schedule to this Ordinance, or in such varied or other scheme as may be from time to time put forth by the Protector, with the sanction of the Governor and Executive Council, and to every such immigrant, being an infant, one-third of such rations, and may week by week, or every fortnight deduct the cost of his rations for the week or fortnight from any wages earned by such immigrant during the week or fortnight, in the case of an adult or minor at the rate of six cents for every day's rations; but no deduction shall be made by or allowed to any employer in respect of rations supplied to an infant immigrant or in respect of rations furnished in any previous week or fortnight: Provided always that the Protector may, if he thinks fit, release such employer from such obligation for any part of the last six months of such period of twelve months. Provided also that no immigrant who, before being allotted, has been resident in this Colony or in any place in the West Indies for a period of twelve months at any time preceding such allotment shall be required to receive such rations, unless he himself desires it.

Placing of other immigrant on rations.

89. The Protector may, on the recommendation of the Government Medical Officer, or, in any case of emergency, the Government Medical Officer may, subject to the approval of the Protector, direct any indentured immigrant to be placed in the receipt of daily rations, either for a certain period or until further direction: Provided that no such immigrant shall remain so treated beyond the space of six months without a fresh order: Provided also that every such immigrant, while he is so treated shall be considered other than an able-bodied immigrant.

Prohibition of sale and purchase of rations.

90.—(1.) Every immigrant rationed under this Ordinance who sells or barters any ration, or part of a ration, which has been furnished under this Ordinance shall be liable to imprisonment for any term not exceeding fourteen days.

(2.) Every person who takes, by way of purchase or barter, from any immigrant rationed under this Ordinance any such ration, or part of a ration, shall be liable to a penalty not exceeding Five Pounds or to imprisonment for any term not exceeding one month, or to both such penalty and imprisonment.

PART VII.

HOSPITALS.

Hospital accommodation to be provided immigrants on plantation.

91.—(1.) No immigrant shall be allotted to or indentured on any plantation upon or for which there is not or are not a hospital or hospitals certified or hereafter to be certified under this Ordinance, and capable of affording accommodation for all immigrants on such plantation at the rate of at least four beds for not more than forty immigrants, five beds for from forty to seventy and ten beds for from seventy to one hundred and seven per cent. for every additional hundred immigrants after the first hundred, and affording complete separate accommodation for male and female immigrants.

(2.) No joint hospital for two or more plantations; and no hospital which is not situated upon the plantation for which it is intended, shall be allowed without a certificate in its favour from the Government Medical Officer, and no such certificate shall be given without special permission from the Protector.

Provided always that it shall be lawful for the Governor by writing under his hand to permit an immigrant to be allotted to any estate for which there shall not be a duly certified hospital if he shall be satisfied that adequate provision exists for the reception of such immigrant in a public hospital situate in a convenient distance from where such immigrant shall be located in the event of such immigrant requiring hospital treatment.

Certifying of hospital.

Form No. 17.

92.—(1.) The Protector shall, on the request of any employer, inspect the site and examine the plans for any building proposed to be erected or altered as a certified hospital under this Ordinance, and shall direct to be made therein such changes and alterations as may, in his opinion, be necessary for ensuring the proper construction, ventilation, and drainage of such hospital, and shall certify any building erected in compliance with such directions and with the provisions of this Ordinance, or which has been altered so as to comply with the same, as a certified hospital for the purposes of this Ordinance, and shall state in such certificate the number of patients which such hospital is capable of accommodating.

(2.) Except as provided for in such certificate no part of any certified hospital, or of the space under the same, shall be used for any purpose except the accommodation and treatment of patients.

(3.) No structural alteration shall be made in any certified hospital unless the same has been approved by the Protector.

93. Any lessee of a plantation who, in accordance with any requisition of the Protector, provides a new hospital or additional hospital accommodation for immigrants under indenture on such plantation shall be entitled to receive such compensation therefor from the lessor, on the termination of his lease, as may be awarded to him by two arbitrators to be appointed by himself and the lessor respectively or by such umpire as the arbitrators may appoint. Right of lessee in certified hospital.

94.—(1.) If at any time the accommodation afforded in any certified hospital falls short of that required by this Ordinance as aforesaid, or if any certified hospital appears to the Government Medical Officer to be for any reason unfitted for the purpose of, and improper to be used as, a certified hospital, the Government Medical Officer shall make a report in writing of the matter to the Surgeon-General, and the Surgeon-General shall visit the hospital and examine into the matter, and, after conferring thereupon with the employer and with the Government Medical Officer, shall make such Report to the Protector as may, in his opinion, be necessary and proper. Withdrawal of certificate of hospital.

(2.) If the Surgeon-General reports that such hospital ought not to continue any longer to be a certified hospital, the Protector may, subject to the approval of the Governor, withdraw the certificate of such hospital; and if the employer does not, within three months after the withdrawal of such certificate or within such further period as the Governor may allow, provide some other building proper to be certified as a hospital under this Ordinance, it shall be lawful for the Protector to remove all or any of the indentured immigrants from such plantation, and to transfer any such immigrants for the unexpired remainder of their terms of service to any other employer who may be willing to accept their services and to pay the remaining indenture fees: Provided that any hospital from which the certificate has been so withdrawn shall, notwithstanding such withdrawal, continue to be regarded as a certified hospital with respect to all matters connected with the maintenance of discipline and the enforcement of the hospital regulations under this Ordinance.

95.—(1.) The Surgeon-General and the Protector may make such regulations as they may think fit for the proper arrangement and management of certified hospitals, and shall specify therein the furniture, medicines, clothing and appliances, and the quantities of each, which are to be kept supplied in each hospital for the use of the same. Making of hospital regulations and dietary.

(2.) In case of difference of opinion between the Surgeon-General and the Protector with regard to such regulations the same shall be settled by the Governor. The Surgeon-General shall frame the dietary which is to be used in such hospitals.

(3.) Provided that in the case of a hospital certified under Section 92 to be capable of accommodating less than ten patients the Surgeon-General and the Protector may make special regulations for the supply of such furniture, medicines clothing and appliances and the quantities of each as shall be deemed by them to be sufficient for such hospital.

(4.) All such regulations and every such dietary shall in all cases be subject to the approval of the Governor and Executive Council, and shall, when approved, be published in the *Royal Gazette*, and copies of the same, with translations thereof, or such parts thereof affecting the rights and obligations of immigrants as the Protector may select, into the several languages of the immigrants residing in the Colony, shall be transmitted by the Protector to the manager of each plantation on which there may be a certified hospital, and shall be at all times kept suspended within such hospital in such place and manner as to be generally legible.

96.—(1.) The employer shall at all times keep the hospital properly furnished with such bedding, clothing utensils, and other furniture, and the dispensary thereof supplied with such medicines, medical stores, and surgical appliances, as may be required by the hospital regulations, and shall provide for the continual supply to the hospital in sufficient quantities of all articles of food comprised in the dietary, and also of such extras as may be specially prescribed by the Government Medical Officer, and shall also provide a Case and Hospital Register to be kept in the hospital, and shall record in such register any failure of the Government Medical Officer to visit the hospital at the times and in the manner directed by this Ordinance. Furniture, etc., of hospital. Form No. 18.

(2.) Such Case and Hospital Register shall be at all times open to the inspection of the Protector, of the Surgeon-General, and of the Government Medical Officer, and shall be produced in any court, if the presiding Judge or Magistrate so requires, in any proceeding taken under this Ordinance by or against any immigrant.

97.—(1.) The employer shall employ in the hospital and pay at least one qualified dispenser or principal sick nurse, and shall also, if and whenever the Government Medical Officer so requires, employ such additional assistants as may be necessary for the proper care of the patients in the hospital. Employment of dispenser and assistants for hospital.

(2.) If at any time the Government Medical Officer is of opinion that any person employed in the hospital as dispenser or principal sick nurse is, by reason of misconduct or incapacity, unfit to be so employed, he shall make an entry to that effect in the Case and Hospital Register and shall immediately report such entry to the Surgeon-General, and, if the Surgeon-General so directs, in writing addressed to the employer, the employer shall without delay remove such person and appoint some other fit and proper person in his or her place.

(3.) No dispenser or principal sick nurse or other nurse shall while acting as such be employed or be engaged in any other occupation.

(4.) No person shall be employed as principal sick nurse unless able to read and write English.

Provided that in the case of a hospital certified under Section 92 to be capable of accommodating less than ten patients, the Surgeon-General may, when he thinks fit, authorize the employment of any persons not having the qualifications required by Sub-sections (3) and (4) of this section.

Duties of dispenser or principal sick nurse.

98. The dispenser or principal sick nurse shall constantly reside on the premises of the hospital, and shall have charge of all furniture, clothing, medicines, stores and appliances belonging thereto, and shall draw upon and account to the employer for all stores supplied to the patients by way of diet or otherwise, and shall in all matters affecting the health or comfort of the patients be subject to the orders of the Government Medical Officer and shall, subject to such orders, attend the patients, make up and administer the medicines, and serve out the diets as the Government Medical Officer may direct, and shall report to him any defect in the quality or quantity of such furniture, clothing, medicines, stores and appliances.

Visits of Government Medical Officer.

99. The Government Medical Officer shall visit each plantation in his district upon which there may be any indentured immigrants at least twice in every week at intervals of not less than three days and oftener in cases of emergency, or if specially summoned by the manager in any such case, or if specially required by the Surgeon-General, and shall, on every such visit, sign his name, with the date and hour of such signature, in the Case and Hospital Register; and shall, from time to time, and as he may be directed by the Surgeon-General, visit the dwellings of the immigrants and the yards and grounds about the same, and shall order every indentured immigrant on the plantation whom he may consider to require medical treatment to be treated either as an in or out-patient, as the case may require, and shall report to the Surgeon-General every case of neglect on the part of the manager to send to hospital or to produce before him any indentured immigrant who should be so sent or produced.

Treatment of patients by Government Medical Officer.

100. The Government Medical Officer shall, in the case of every patient brought to him for treatment or treated by him on a plantation, record in the Case and Hospital Register any disease or injury from which such patient may appear to be suffering, with the remedies prescribed and the diet ordered in each case, and whether he is treated as an in or out-patient, and shall inform every in-patient of the diet prescribed for him, and whether stimulants and other extras are to be given with such diet; and, in case of complaint, shall ascertain whether such diet and extras have been duly given.

Responsibility of Government Medical Officer for hospital.

101.—(1.) The Government Medical Officer shall see that the hospital, with all bedding, clothing, utensils, and other furniture belonging thereto, is at all times kept clean and in proper order, and that there is at all times a sufficient supply of the medicines and food required by the hospital regulations and dietary.

(2.) He shall note in the Case and Hospital Register any defect in the quality or quantity of the furniture, clothing, medicines, stores, and appliances of the hospital and any other neglect or violation of the provisions of this part or of the hospital regulations and dietary on the part of the employer or of any officer or servant of the plantation, and any omission or delinquency on the part of the hospital dispenser or principal sick nurse, not amounting to ground for his dismissal, and shall require the employer to provide such remedy for the evil or to take such precautions against it as may, in his opinion, be necessary.

Removal of patient to public hospital.

102. The Government Medical Officer or the Protector in his absence may require the manager, by an entry made in the Case and Hospital Register, to remove to any public hospital any immigrant patient in a certified hospital whose case may seem to him to require such removal, and the employer of any indentured immigrant who may be admitted into any public hospital, either upon the requisition of the Government Medical Officer or when sent thither by the Protector or otherwise, shall pay to the Receiver-General the sum of one shilling for each day that such indentured immigrant remains in such hospital, and also, in case such immigrant dies in such hospital, the expense of the burial of such immigrant: Provided that the Governor may at any time, upon the recommendation of the Surgeon-General, by notice in the *Royal Gazette* suspend the operation of this section as regards any such hospitals for such term as may be necessary: Provided also that if the Medical Officer of either of such hospital certifies, as to any such immigrant patient, that he is labouring under incurable insanity or leprosy, the liability of the employer under this section shall, in respect of such immigrant, absolutely cease and determine.

Requisitions by Medical Officer.

103.—(1.) The Government Medical Officer shall make in the Case and Hospital Register such requisitions as he may deem necessary in relation to the hospital.

(2.) Every such requisition shall be complied with by the employer, and the Government Medical Officer shall report every case of non-compliance or of unnecessary delay in complying with any such requisition, to the Surgeon-General, and the Surgeon-General shall forward every such report, with his own remarks thereon, to the Protector.

Appeal against requisition of Medical Officer.

104.—(1.) If any employer represents to the Surgeon-General that any requisition made by the Government Medical Officer is unreasonable, or that the course of treatment pursued by the Government Medical Officer is in any respect injudicious or extravagant, or that he has any other just cause of complaint against the Government Medical Officer in respect of the management of the hospital or the treatment of the patients, the Surgeon-General shall cause full inquiry to be made into the matter, and may require the Government Medical Officer to annul such requisition, or may give such other directions or instructions in the matter to the Government Medical Officer as he may think necessary.

(2.) Every employer and every Medical Officer shall be bound by the decision of the Surgeon-General, subject to the approval of the Governor on appeal.

105. Every employer who in any respect refuses or neglects to comply with the provisions of this Ordinance, or of the hospital regulations and dietary, in respect of the arrangement and management of any certified hospital, or of the treatment of patients, or with any requisition made in pursuance thereof in the Case and Hospital Register by the Surgeon-General or by the Government Medical Officer, or with any requisition of the dispenser or principal sick nurse made in carrying out any prescription or diet order which has been entered by the Government Medical Officer in the Case and Hospital Register, shall be liable, on the complaint of the Protector, to a penalty not exceeding Ten Pounds. Default of employer in respect of hospital arrangements.

106. Every employer who— Default of employer in respect of treatment of sick immigrant.

(1.) Refuses or neglects to send to hospital any indentured immigrant on the plantation who is in need of medical care or treatment in hospital; or

(2.) Fails, at any visit of the Government Medical Officer, to produce before him any such immigrant who may require medical care or treatment; or

(3.) Refuses or neglects to provide any such immigrant with the medicines, medical comforts, and diet which may be ordered for him while under treatment by the Government Medical Officer,

shall be liable, on the complaint of such immigrant, the Protector, or the District Medical Officer, to a penalty not exceeding Five Pounds.

107. Every indentured immigrant who— Misconduct of indentured immigrant in respect of hospital.

(1.) After being sent to the hospital by any duly authorized person, or after having voluntarily gone to the hospital, is found beyond the limit of such hospital before he has been discharged by the Government Medical Officer; or

(2.) Refuses or neglects to go to the hospital when ordered by his employer so to do; or

(3.) Refuses or neglects to appear at any time when required so to do before the Government Medical Officer; or

(4.) Resists any lawful order for his conveyance to the hospital or his production before the Government Medical Officer; or

(5.) Contravenes any of the hospital regulations; or

(6.) Behaves himself in a disorderly or refractory manner while in the hospital,

shall be liable to a penalty not exceeding One Pound or to imprisonment for any term not exceeding fourteen days.

Any indentured immigrant who while under treatment in hospital is found by the Government Medical Officer on his visit to be a malingerer shall on conviction thereof before a Court of Summary Jurisdiction be liable for a first offence to a penalty not exceeding One Pound or in default of payment to imprisonment to any term not exceeding fourteen days and for a second or subsequent offence to imprisonment for any term not exceeding one month without the option of a fine. Malingerers.

108. Every person who is admitted into the hospital of a plantation for treatment on his own request or with his own consent, or without such consent in case of inability to express consent, shall be bound by the hospital regulations in the same manner as an indentured immigrant. Obligation of hospital regulations on other than indentured immigrant.

PART VIII.

LABOUR AND WAGES.

PROVISIONS WITH REGARD TO INDENTURED IMMIGRANTS.

109.—(1.) The employer shall provide every indentured immigrant on his plantation with sufficient work for a full day's labour on every day (except Sundays and authorized holidays) on which field work is not rendered impossible by reason of bad weather, and shall pay him wages, either by the task or by the day, weekly or fortnightly, on the same day in every week or fortnight, unless such day falls on an authorized holiday, in which case payment shall be made on the previous business day. Providing of work and payment of wages.

(2.) It any indentured immigrant, being willing and able to work, is not provided with work on any working day, he shall be entitled to his full day's wages for every day on which work is not so provided for him.

110. The employer may require any indentured immigrant to perform, by way either of task work or of time work (at the option of the immigrant) any work for which he is not physically unfit, and shall inform him of the rate of wages to be paid for the task or time work as the case may be. Assignment of work.

111. Subject to the provision for leave of absence from the plantation hereinafter contained, every indentured immigrant shall be present at the work assigned to him on every day (except Duration of time work and of task work.

undays and authorized holidays), for nine hours: Provided that no immigrant employed in field abour who has been present at the work assigned to him for forty-five hours or has earned, if able-odied, five shillings and two-and-a-half pence wages, or if other than able-bodied, three shillings nd four pence wages during the week shall be compelled to be again present at work during that veek, except during the reaping of the crop, when he shall work six days in the week: Provided hat every immigrant shall be allowed at least half-an-hour daily for the purpose of eating and resting vhen he has been at work for four hours and a half, such half hour to be included in the aforesaid ine hours.

Limit of task work per diem.

112. No task shall be of greater extent than can be performed by the immigrant to whom it is assigned within one working day of seven hours without extraordinary exertion.

Rate of wages for time work.

113.—(1.) The employer shall pay to every indentured immigrant employed in time work day wages at the rate, for each day during which such immigrant has been present at work and has worked with ordinary dilligence for the full time prescribed by this Ordinance, of not less than one shilling and one half-penny if he is indentured as an able-bodied adult immigrant, and not less than eight pence if he is indentured as other than an able-bodied adult immigrant: Provided that if any indentured immigrant is, in the opinion of the Government Medical Officer, physically incapable of earning the minimum amount at the ordinary rates of wages, the Government Medical Officer may direct that his name be placed on a list to be called the "Invalid List," and any immigrant whose name is entered on this list shall receive daily rations and be given work suitable to his condition and be paid such wages proportionate to the work as may be approved by the Protector, or the Protector may, if he thinks fit and with the consent of the employer, cancel the indenture of any such immigrant and provide him, if he so desires, with a return passage to the port or place from whence he came.

Invalid List.

Form No. 19.

(2.) The employer shall keep a Pay List or Labour Book in the prescribed form of all wages paid to indentured immigrants on his plantation.

Rate of wages for task work.

114. The rate of wages for any description of task work performed shall not be less than that ordinarily paid for the same description of work to the creole and other unindentured labourers working on the same plantation; and if there are no such labourers, or if they are paid less than the average rate paid for the same description of work to such labourers on neighbouring plantations, then not less than such average rate; and if there are no such labourers performing the same description of work on neighbouring plantations, then it shall not be less than that ordinarily paid for the same description or work to indentured labourers upon neighbouring plantations; Provided that the wages agreed upon for a task shall in no case be less than the minimum amount of day wages payable for time work.

Proceedings by Immigrant for recovery of wages short-paid.

115. If an indentured immigrant is dissatisfied with the amount of wages tendered for any time or task work assigned to him by the employer, he may, after performance of the time or task work in question, proceed in a summary manner before the Magistrate of the district to recover any deficiency by which the wages so tendered fall short of a fair remuneration for the work so performed, or may lay an information or make a complaint against the employer for the unlawful withholding of wages duly earned; and any such information or complaint may be turned by the Magistrate into such proceedings for recovery, if he is of opinion, after hearing the case, that there exist grounds for further inquiry before estimating such wages.

General procedure for recovery of wages.

116.—(1.) In any proceeding for the recovery of wages by an indentured immigrant, it shall not be necessary for such immigrant to take out a summons against the employer, or to lay or make a formal information or complaint therefor; but the Magistrate may, upon receiving from such immigrant any verbal statement of complant, require of the manager a statement in writing of the work in question performed by such immigrant, and of the wages paid therefor, together with any other material facts or documents.

(2.) If the matter at issue appears to be such as should be tried upon a complaint for the unlawful withholding of wages, the Magistrate shall forthwith issue, free of cost, a summons to the employer to appear and answer such complaint, and shall proceed thereupon as if the immigrant had in the first place made such complaint, and shall give notice to the immigrant accordingly; but if the rate of wages is the subject-matter of dispute, the Magistrate shall forthwith proceed to estimate, to the best of his ability, what is a fair remuneration for the work in question.

Mode of making estimate of wages, and order thereon.

117.—(1.) In making such estimate, whether for time or task work, the Magistrate shall have regard, in the first place, to the rule hereinbefore laid down for determining the rate of task wages, and, in the second place, to the rates paid to indentured immigrants on neighbouring plantations for descriptions of work most nearly similar to that in question; and it shall be lawful for him to summon witnesses skilled in the valuation of labour, and to allow such witnesses their travelling expenses and payment for their time, at a rate not exceeding one pound a day for a manager, two shillings a day for a day labourer, and eight shillings a day for any other person.

(2.) The Protector shall, on the request of the Magistrate, supply him with any information in his possession which may assist the magistrate in forming a decision, and shall, if necessary, hold an investigation upon the spot of the circumstances material to the question, and report to the Magistrate the result thereof.

(3.) The Magistrate shall make such order in the premises as to him may seem just, and shall direct by whom and in what proportions the cost of the proceedings shall be paid, and shall specify in such order the ground of his decision, and shall forward a copy thereof to the Protector.

(4.) Every such order shall be enforceable, and every payment directed thereby shall be recoverable, in the same manner as in the case of any order made in the exercise of the ordinary Summary Jurisdiction; and every such order shall be final and without appeal.

Assault on indentured immigrants.

118. If any employer, manager, or officer of a plantation assaults, or in any way ill-uses, an immigrant indentured on such plantation, he shall be liable to a penalty not exceeding ten pounds, or to imprisonment, with or without hard labour, for any term not exceeding two months, or to both such penalty and imprisonment.

Unlawful withholding of wages.

119.—(1.) If any employer, manager, or officer of a plantation unlawfully withholds or causes to be withheld any wages earned by an indentured immigrant, he shall be liable to a penalty not exceeding ten pounds.

(2.) The Migistrate shall order any such wages to be paid, and shall report every conviction under this or the last preceding section, together with such circumstances of aggravation or extenuation as to him may seem noteworthy, to the Protector.

Prohibition of stoppage of wages and of payment in kind.

120.—(1.) Subject to the provisions of this Ordinance all wages duly earned by an indentured immigrant shall be paid in money, without any deduction; and every stoppage of wages duly earned by any such immigrant, and every postponement of payment of such wages beyond the next pay-day after such wages are due, and any payment of wages in kind, shall be taken to be an unlawful withholding of wages.

(2.) No manager who supplies goods on credit to his indentured immigrant shall be entitled to stop the price thereof out of any wages which may be thereafter earned by such immigrant

Refusal or neglect of indentured immigrant to amend work improperly performed.

121. Every indentured immigrant who, without reasonable excuse, refuses or neglects to amend any work duly thrown out for an improper performance, shall, on the first conviction, be liable to a penalty not exceeding One Pound or to imprisonment for any term not exceeding fourteen days, and, on a second or any subsequent conviction, to a penalty not exceeding Two Pounds or to imprisonment for any term not exceeding one month, and shall further forfeit any such portion of the wages which may be due for such work as the Magistrate may think proper, and the manager may suspend the payment of any such wages, pending any proceedings which he may have taken against such immigrant for such refusal or neglect: Provided that no work shall be taken to have been duly thrown out for improper performance, unless the manager has taken down the work on the spot the same day or the next day after such work has been done, nor unless the manager has informed the immigrant upon the spot that his work is thrown out, or, in case he is absent, so soon after as is possible, and has specified the ground or matter of his objection to the work done, and has required him to amend the same.

Making of agreement for extra time in field or in buildings.

122.—(1.) An indentured immigrant may, by agreement with his employer, work extra time in the field: Provided that the description of work to be assigned to him during such extra time shall be expressly stipulated beforehand.

(2.) An indentured immigrant may, by agreement with his employer, work extra time in the buildings, and the employer may assign to him during such extra time any work in the buildings which he is physically competent to perform.

Payment for extra time work.

123. All extra time work shall be paid for by the hour, at a rate not less than that at which ordinary time work is paid for; and the same provisions, remedies, and penalties in respect of the due performance of work and payment of wages shall apply to service as a watchman and to extra time work, whether under agreement or otherwise, as are contained in this Part with reference to ordinary work.

Limit of extra time work.

124. It shall not be lawful for any employer to employ any immigrant under indenture for more than fifteen hours in ony one day, and no immigrant shall be compelled to work for more than nine hours.

Every employer who employs any immigrant contrary to the provisions of this section shall be guilty of an offence against this Ordinance and shall on conviction thereof forfeit any sum not exceeding Two Pounds.

Service as watchman.

125.—(1.) No indentured immigrant shall be bound to serve as a watchman, but he may bind himself by an agreement with his employer, made in the presence of two witnesses, to serve as a watchman on the plantation for any term not longer than one month or from month to month, and unless he gives notice of his wish not to serve any longer as a watchman at least seven days before the expiration of any month's service, he may be compelled to serve for the next month.

(2.) Every indentured immigrant who, after having agreed to serve as a watchman,— Form No. 20.

(*a.*) Unlawfully neglects his duty as such watchman; or

(*b.*) Unlawfully neglects to serve as a watchman during the period for which he has agreed to serve or for which he is bound to serve,

shall be liable to a penalty not exceeding Two Pounds or to imprisonment for any term not exceeding one month.

(3.) It shall be necessary, before any such immigrant can be convicted for any offence under this section, to prove that such immigrant had previously agreed to serve as a watchman.

Minor offences by indentured immigrant.

126. Every indentured immigrant who—

(1.) Is drunk in or or about the buildings of the plantation, or while employed on any work ; or

Form No. 21.

(2.) Is drunk during any time in which he is required to be at work ; or

(3.) Is guilty of any fraud or wilful deception in the performance of his work ; or

(4.) Uses to his employer, or to any person placed by him in authority on the plantation, any abusive or insulting word or gesture ; or

(5.) Is guilty of wilful disobedience to any lawful and reasonable order,

shall be liable to a penalty not exceeding One Pound or to imprisonment for any term not exceeding fourteen days.

More serious offences by indentured immigrant.

127. Every indentured immigrant who—

(1.) Uses to his employer, or to any person placed by him in authority on the plantation, any threatening word or gesture ; or

Form No. 22.

(2.) By negligence, carelessness, or other improper conduct, endangers, damages, or causes or suffers to be endanged or damaged, or sells any property of his employer (and in any proceeding for a breach of this provision it shall not be necessary to state or prove the name of such employer) ; or

(3.) Hinders or molests any other immigrant in the performance of his work ; or

(4.) Persuades or attempts to persuade any other immigrant unlawfully to refuse, absent himself from, or desist from work,

shall be liable to a penalty not exceeding Five Pounds or to imprisonment for any term not exceeding two months.

Keeping of Register of cases before Magistrate. Form No. 23.

128. Every manager of a plantation on which there are indentured immigrants shall keep a register of all cases under this Ordinance in which he is concerned before the Magistrate.

Prohibition of keeping of shop on or near plantation by manager, etc.

129.—(1.) No shop shall be kept by any employer, manager, overseer, driver, ranger, or other person employed on the plantation, either upon such plantation or within five miles thereof.

(2.) If any shop is so kept by or for the profit of any such employer or manager or by or for the profit of any of his subordinate officers with his permission, connivance, or knowledge, such employer or manager shall be liable, on the complaint of the Protector, to a penalty not exceeding Twenty Pounds ; and every person, other than an employer or manager, who actually keeps a shop in contravention of this section shall be liable to a penalty not exceeding Ten Pounds.

Employer to make certain returns. Form No. 24.

Form No. 25.

130. Every employer of indentured immigrants shall within the first five days of the months of January, April, July and October in every year make and deliver to the Protector a return in the prescribed form of all immigrants whether indentured or not in his employ or residing on his plantation during the whole or any part of the preceding three months and of the children of such immigrants and of all deaths and the number of births of the children of such immigrants. And every employer shall make out quarterly at the same dates and deliver to the Protector a return of all indentured immigrants, specifying the number who shall have worked and who shall not have worked during the preceding quarter and the causes for their not having worked so far as the same may be known to him. And the Protector shall keep all such returns, and shall in the month of April of every year make an abstract of all such returns for the preceding year, which abstract shall be laid before the Legislative Council.

Penalty for false return.

131. Every employer of indentured immigrants who shall omit to make any return hereinbefore required, or who shall make any such return which shall be wilfully incorrect in any particular, shall on conviction thereof before any Justice of the Peace forfeit any sum not exceeding Ten Pounds for every such offence.

PROVISIONS WITH REGARD TO IMMIGRANTS NOT UNDER INDENTURE.

Duty of person employing immigrant not under indenture.

132. No person shall employ any immigrant not under indenture until such immigrant has produced his certificate of exemption from labour, and every person who receives into his employment any such immigrant before such certificate has been so produced shall be liable to a penalty not exceeding Five Pounds.

Duties of manager of plantation on which are employed immigrants not under indenture.

133.—(1.) Every manager of a plantation on which there are indentured immigrants shall be bound to enter in a book to be kept by him the name and description of every immigrant not under indenture employed on such plantation, and the amount of wages earned by each such immigrant in each week, and shall pay to each such immigrant the wages due to such immigrant for the work performed by him on such plantation. Every such book shall be opened to the inspection of the Protector.

(2.) Every manager of a plantation who contravenes this section, and every manager of a plantation on which any immigrant not under indenture performs any work for the benefit of the proprietor

of the plantation before the name and description of such immigrant have been entered in such book, or before the certificate of exemption from labour held by such immigrant has been duly produced, shall be liable to a penalty not exceeding five pounds for each such immigrant who so performs any work.

Other hirings of free immigrants.

134. The hiring, whether verbal or in writing, of any immigrant possessed of or entitled to a certificate of exemption from labour shall be subject to and governed by the provisions of any Ordinance now or hereafter to be in force regulating the hirings of servants in husbandry and other labourers, not being immigrants within the meaning of this Ordinance: Provided that no contract of any such immigrant shall be taken to be an indenture within the meaning of this Ordinance: Provided also that no hiring or contract for service of any such immigrant shall be taken to be a contract for more than one month certain from the time of entering into service, any express or implied agreement to the contrary notwithstanding.

PART IX.

LEAVE AND DESERTION.

LEAVE.

Obligation of residence.

135. Every indentured immigrant shall be bound to reside on the plantation whereon he is under indenture.

Immigrants unlawfully at large.

136. Where any immigrant is found on a public highway or on any land or in any house not being the land or house of his employer, or in any ship, vessel or boat within the waters of the island, any of the following persons, that is to say:

(1.) The Protector or any person authorised in writing by him;

(2.) Any estate constable attached to the plantation to which the immigrant is under indenture; and

(3.) The employer of the immigrant or his manager or overseer,

may without warrant stop such immigrant, and in case he fails to produce a certificate of industrial residence or of exemption from labour or a ticket of leave may, if there be reasonable cause to suspect the immigrant is under indenture, arrest him and take him to the nearest police station, there to be detained until he can be taken before a Stipendiary Justice of the Peace.

If upon such immigrant being brought before a Stipendiary Justice of the Peace it appears in respect of what plantation his services are due, and he fails to prove that at the time of his being arrested he was absent from such plantation by virtue of a ticket of leave, the Stipendiary Justice, if he sees fit, may order such immigrant to be returned to the estate to which he is indentured or to be imprisoned with or without hard labour for any term not exceeding seven days; but if it does not appear in respect of what plantation the services of such immigrant are due, and such immigrant does not prove to the satisfaction of the Stipendiary Justice that he is not an immigrant within the meaning of this Ordinance or that he has completed his term of industrial residence the Stipendiary Justice may if he sees fit make an order for the imprisonment of such immigrant with or without hard labour for any term not exceeding three months.

The Stipendiary Justice may from time to time remand any immigrant brought before him under this section, for such reasonable time as he sees fit, for the purpose of enquiry being made in respect of what plantation the services of such immigrant are due.

If it appears to the Stipendiary Justice that any employer, manager or overseer has arrested an immigrant without reasonable or probable cause, the Stipendiary Justice may order the person making the arrest to pay to the immigrant by way of compensation any sum not exceeding twenty pounds, and any such order shall be a bar to any action for the same cause.

137. Every indentured immigrant who—

Unlawful absence from plantation.

(1.) Absents himself without leave from the plantation during the time in which he is required to be at work; or

Form No. 26.

(2.) Absents himself without leave from the plantation in such manner or for such time as to constitute a breach of the obligation of residence,

shall be liable, if a male, to pay a fine not exceeding two pounds, and, if a female, to pay a fine not exceeding one pound.

Right of immigrant to leave of absence after certain amount of work done.

138.—(1.) Every able-bodied indentured immigrant who has earned wages at the rate of at least five shillings and two and a half pence per week during two consecutive weeks and every other immigrant who has earned wages at the rate of at least three shillings and four pence per week during two consecutive weeks shall be entitled to leave of absence from the plantation at the rate of one day and night for every such undivided period of two weeks, and the employer shall, on the request of such immigrant, furnish him with a free pass accordingly for as many days as he may require and be entitled to have leave of absence for: Provided that no immigrant shall be entitled to leave of absence, and no employer, except for special cause to be stated in the pass, shall be entitled

to give leave to any indentured immigrant, for more than seven days at any one time, or for more than twenty-six days in any one year; and no pass extended for special cause shall be given for more than twenty-six days at any one time, or more than once to the same immigrant in any one year.

(2.) Every employer who—

(*a.*) Refuses a pass to which any immigrant is entitled; or

(*b.*) Gives a pass in excess of the limits allowed by this Ordinance; or

(*c.*) States in any pass extended as aforesaid a false, frivolous, or pretended cause for such extension,

shall be liable, on the complaint of the Protector, to pay a fine not exceeding five pounds.

Leaving plantation for purposes of making complaint. Form No. 27.

139.—(1.) Any indentured immigrant who, having been refused a pass by his employer, absents himself from his plantation in order, on reasonable grounds, to lay an information or make a complaint against the employer or manager before the Magistrate, or to make any reasonable complaint of his treatment and to ask counsel of the Protector, shall be entitled to receive from such Magistrate, or Protector, a certificate that such absence was for reasonable cause: Provided that no such certificate shall be given, or, if given, shall be valid, if the immigrant—

(*a.*) Has absented himself from the plantation with any weapon or any agricultural implement; or

(*b.*) Has absented himself from the plantation in company with more than five other immigrants.

(2.) No immigrant who possesses such a certificate, and who on his return to the plantation produces the same to his employer, shall be liable to be convicted under Section 137 in respect of the day on which such certificate was granted, or in respect of such time before and after as may be necessary to allow of his free going and returning.

(3.) Where the Magistrate or Protector is of opinion that such complaint is ill-founded or frivolous, he shall so certify in writing to the employer.

DESERTION.

Form No. 28. Form No. 29. Form No. 30.

140.—(1.) If any indentured immigrant without leave absents himself for three days from the plantation whereon he is under indenture, he shall be taken to be a deserter from the plantation; and the manager shall thereupon prefer a charge against him in that behalf before the Magistrate and apply for a warrant for his apprehension, and shall also report the same in writing on the prescribed form to the Inspector of the district, and also to the Immigration Office.

(2.) Such warrant shall be granted free of cost, and shall be directed to all constables.

(3.) A copy of such warrant shall be forwarded by the Magistrate to the Inspector-General of Police within three days from the day on which such charge is made, and any copy thereof, certified under the hand of the Inspector-General of Police, shall be executable in the same manner as the original warrant.

Default by manager in not preferring charge against deserter.

141.—(1.) Every manager who does not prefer a charge in the proper form before the Magistrate against an indentured immigrant who has deserted within fifteen days after such immigrant has become a deserter shall be liable, on the complaint of the Protector, to pay a fine not exceeding Five Pounds, and shall, in addition to such fine, pay an absolute accumulating fine of one shilling for every day of such default.

(2.) No entry shall be made in the Register of Defaulters in respect of any desertion or in respect of any imprisonment for the desertion of any immigrant where the manager has not preferred such charge against the immigrant for such desertion within such time.

Punishment of deserter.

142. Every indentured immigrant who deserts from his plantation shall be liable to a penalty not exceeding Five Pounds or to imprisonment for any term not exceeding two months, or to both such penalty and imprisonment.

SUPPLEMENTAL PROVISIONS.

Loss of original charge for desertion.

143. If the original charge for desertion made against an indentured immigrant is lost or mislaid, the Magistrate may proceed to deal with the case on the original warrant or on any copy thereof certified by the Inspector-General of Police.

Keeping of Registers of Absences on Leave and Desertions. Form No. 31.

144.—(1.) The manager of a plantation on which there are indentured immigrants shall keep a Register of Absences on Leave, and shall enter therein every pass granted by him to an indentured immigrant.

Form No. 32.

(2.) He shall also keep a Register of Desertions, and shall enter therein every desertion of an indentured immigrant from the plantation.

145. Whenever it may appear to the satisfaction of the Proctor that any immigrant against whom a warrant has been granted, is dead, or as left the Colony, the Protector may order that the name of the immigrant may be struck off the books of the estate to which he is indentured.

Refusal of immigrant apprehended to give information.

146. If any immigrant, on being brought to the Protector, or to an Inspector, or to a police station by any police constable, wilfully refuses to give his name, the name of the ship in which he was introduced into the Colony, and the name of the estate to which he is indentured or any other information that may reasonably be required by the Protector or by the Inspector, or by the police constable in charge of the police station, for purposes of identification, he shall be liable to a penalty not exceeding One Pound or to imprisonment, with or without hard labour, for any term not exceeding fourteen days.

Absence without leave from the Depôt.

147. If any indentured immigrant, while an inmate of the Immigration Depôt, without leave absents himself therefrom for three days, he shall be taken to be a deserter, and the Protector shall thereupon prefer a charge against him in that behalf before the Magistrate and apply for a warrant for his apprehension. Such warrant shall be granted in the same manner as is hereinbefore provided with respect to a deserter from a plantation.

Employment of indentured immigrant by person not entitled to his services.

148.—(1.) Every person who, not being entitled to the services of such immigrant under this Ordinance,—

(*a.*) Employs or knowingly harbours any indentured immigrant; or

(*b.*) Induces or attempts to induce any indentured immigrant to leave off work or to quit his plantation against the will of his employer,

shall be liable to pay a fine not exceeding Fifty Pounds, and in the case of employment, in addition to such fine, to pay to the employer entitled to the services of such immigrant, by way of damages, at the rate of four shillings for every day on which such immigrant may have been so employed.

(2.) If the person charged is the manager of a plantation, it shall be sufficient to support a conviction under this section to prove that such immigrant has been employed thereon in the service of such manager.

Disposal of indentured immigrant on release from custody.

149. When any indentured immigrant who has been arrested by a police constable, or imprisoned, is entitled to be discharged from custody or from prison, he shall without delay be conveyed by a police constable to the plantation whereon he is under indenture, and every such immigrant may be kept in custody while he is being so conveyed, and until he can be so taken to the plantation: Provided that, if required by the Protector or any Inspector, he may be taken to the Immigration Office or to the office of any Inspector.

Giving of certificate as to indentured immigrant brought in custody to plantation. Form No. 33.

150.—(1.) When any indentured immigrant is brought to the plantation whereon he is under indenture by any police constable, the manager of the plantation shall be bound to give to the police constable a certificate, stating the time when such immigrant was so brought.

(2.) Every manager who refuses or neglects to give such certificate shall be liable, on the complaint of the Inspector-General or an Inspector of Police, to pay a fine not exceeding One Pound.

Reporting of indentured immgrant voluntarily returning to plantation.

151.—(1.) When any indentured immigrant who has deserted from the plantation whereon he is under indenture voluntarily returns to the plantation, the manager of the plantation shall report the fact to the Protector and to the police constable in charge of the police station nearest to the plantation.

(2.) Every manager who neglects so to do for three days after such return shall be liable, on the complaint of the Protector, the Inspector-General or an Inspector of Police, to pay a fine not exceeding One Pound.

Habitual idler. Form No. 34.

152. If any indentured male immigrant is absent from work without lawful excuse on twelve days in any one month or in any two consecutive months, he shall be deemed an habitual idler, and shall be liable to imprisonment for any term not exceeding three months.

Reporting of indentured immigrant on release from prison.

153. The Superintendent of Prisons shall report in writing to the Protector when any immigrant who was under indenture at the time of his arrest for the crime or offence of which he has been convicted is discharged from any cause before the time at which his sentence would have expired, or when any such immigrant is imprisoned for a longer period of time than the time that was mentioned in his sentence, and such Superintendent shall forward such report as soon after the event as may be practicable.

Keeping of Register of Defaulters. Form No. 35.

154.—(1.) The Protector or the Inspector in each district shall keep a separate Register of Defaulters for each plantation whereon there are any indentured immigrants.

(2.) The name and description of every indentured immigrant on the plantation who is sentenced to imprisonment, or who is convicted of desertion on a charge preferred in due time, or who is adjudged to have been unlawfully absent from work, shall be entered in such register.

Making of entries in the Register of Defaulters.

155. Whenever any employer alleges that an indentured immigrant has been imprisoned or has deserted, and produces to the Protector or to an Inspector a certificate, signed by the Magistrate or other

proper Officer, that such immigrant has been sentenced to imprisonment or has been convicted of desertion on a charge preferred in due time, then (but in no other case), the Protector or an Inspector shall make an entry in the Register of Defaulters of the facts stated in such certificate, and shall date such entry with the date when the same was made by him, and shall sign or initial the same, and shall also so date and sign or initial the certificate so produced, and thereafter return it to the employer: Provided that the Protector or an Inspector may, before making any such entry, require proof as to the indentity of the immigrant referred to in such certificate.

Correction of the Register of Defaulters.

156. The Protector or an Inspector shall, from time to time and as often as may be necessary, correct the entries in the Register of Defaulters, so that such entries shall accurately state all the periods to be excluded in reckoning the term of service of each immigrant under indenture: Provided that the Protector or Inspector shall not obliterate any previous entry made in the Register of Defaulters, either by himself or any other person, and shall date every entry with the date when the same was made and shall sign or initial the same.

PART X.

MARRIAGE, DIVORCE, &c.

Interpretation.

157. In this part,

The term " Immigrant " means

(1.) Any Indian immigrant introduced into the Colony or any other British West Indian Colony for the purpose of being indentured; and

(2.) Any descendant of an Indian immigrant so introduced.

The term "The Marriage Ordinance, 1863," means the Ordinance No. 11 of 1863, intituled, " An Ordinance to amend the Law with regard to the Solemnization and Registration of Marriages ";

The terms " Registrar of Marriages " and " District Registrar " have the same meanings as in "The Marriage Ordinance, 1863;"

The term " Chief Registrar " means the Registrar of Marriages appointed under the same Ordinance:

The term " Registrar " includes the chief Registrar and any District Registrar.

Application.

158. This Ordinance shall apply to all marriages and divorces between immigrants contracted, effected, or registered between the 1st day of July, 1881, and the commencement of this Ordinance, and also to all such marriages and divorces contracted or effected after the commencement of this Ordinance, and all the provisions of this Ordinance except those which relate to marriages and divorces shall apply to all immigrants of whatever religion: Provided also that nothing in this Ordinance contained shall be construed to prevent or disable any immigrant, whether professing Christianity or not, from contracting a civil marriage before the Registrar according to the provisions of the Ordnance, No. 11, of 1863, entitled "An Ordinance to amend the Law with regard to the Solemnization and Registration of Marriages."

Registers.
Form No. 36.
Form No. 37.

159. For the purposes of this Ordinance the Chief Registrar shall keep a Colonial Register of Indian Immigrants' Marriages and a Colonial Register of Indian Immigrants' Divorces, and each District Registrar shall keep a District Register of Indian Immigrants' Marriages and a District Register of Indian Immigrants' Divorces, and the Protector of Immigrants shall keep a Register of Indian Immigrants' Marriages and a Register of Indian Immigrants' Divorces.

Christian immigrants.

160. (1.) An immigrant who at the time of his arrival in this Colony professess Christianity shall, immediately upon such arrival, and

(2.) An immigrant who at any time after his arrival in this Colony embraces Christianity shall, immediately upon such change of faith, as to marriage capacity or incapacity to contract marriage, and the conditions subject to which and the manner in which marriage may be contracted, be subject to the general law of the Colony.

Abandonment of Christianity shall not affect the operation of this section.

Marriage according to personal law.

161. A marriage contracted between immigrants, both of whom at the date of the marriage profess the same religion, not being the Christian religion, and are subject to the same personal law, shall, if contracted according to the religion and personal law of such immigrants, and registered according to this Ordinance, be deemed to be valid, if a date of marriage shall be specified in the register and at such date the man shall have been at least sixteen years of age and the woman at least twelve years of age, as from such date; and in all other cases, as from the date of registration.

Provided that no marriage shall be registered unless the parties shall be of such ages respectively at the date of registration.

Provided also that for the purposes of any criminal prosecution or of any proceding for the recovery of damages under Section 193 of this Ordinance such marriage shall be deemed to be valid as from the date of the actual registration thereof and not from the date of marriage specified in the register.

162. Every application for the registration under this Ordinance of any marriage, not being a Christian marriage, must be made to the Registrar of the district in which the marriage was effected, or of the district in which the parties have resided for a year immediately preceding such marriage, or to the Protector of Immigrants, by both parties to such marriage: Provided that if either of the parties to the marriage is an infant and has a father or a guardian living and resident in the Colony, the application on behalf of such infant party must be made by such father or guardian: Provided also that it shall be lawful for any Stipendiary Justice of the Peace on the complaint of either party to a marriage between immigrants contracted according to the religion or personal law of such immigrants that the other party or the parent or the guardian of either of the parties who is not of full age has not applied for the registration of such marriage or has not attended before the Registrar or Protector and signed the register to issue a summons calling upon such other party or parent or guardian in default to show cause before the expiration of fourteen days why an order should not be made directing the Registrar or the Protector to register such marriage notwithstanding the refusal or omission by such other party, parent or guardian to apply for the registration of such marriage or to attend before the Registrar or Protector and sign the register, and if after the expiration of fourteen days from the service of such summons the said other party, or parent or guardian shall not have appeared before such Stipendiary Justice of the Peace or shall not have shewn good cause for such refusal or omission as aforesaid it shall be lawful for such Stipendiary Justice by an order in writing under his hand to direct the Registrar or Protector to register such marriage on the application alone of the party applying and the registration of such marriage in accordance with such order shall be as valid and effectual as if the other party parent or guardian had duly attended and signed the register and applied for the registration of such marriage.

Application to register marriage.

Power of Stipendiary Justice of the Peace to order registration on application of one party after due notice to the other party.

DIVORCE.

163. A divorce effected between two immigrants both of whom at the date of the marriage thereby dissolved, professed the same religion, not being the Christian religion, and were subject to the same personal law, shall, if effected according to such religion and personal law, and registered according to this Ordinance, be deemed valid for all purposes as from the date of divorce specified in the register, or if no such date is specified, as from the day of registration.

Divorce according to personal law.

164. Every application for the registration under this Ordinance of a divorce must be made to the Registrar of the district in which the divorce was effected or to the Protector by one or both of the parties to the marriage dissolved.

Application to register divorce.

REGISTRATION.

165. On application being made to a Registrar or to the Protector to register under this Ordinance any marriage or divorce, the Registrar or Protector of immigrants, as the case may be, shall

Conditions of registration.

(1.) Satisfy himself whether or not such marriage or divorce was effected by the person or persons by whom it is represented to have been effected;

(2.) Satisfy himself as to the identity of the persons appearing before him and alleging that the marriage or divorce has been effected between them;

(3.) In the case of any person appearing as guardian, satisfy himself as to the right of such person so to appear.

If the Registrar or Protector as the case may be is satisfied on the above points and not otherwise, he shall make an entry as follows:—

(*a.*) Of a marriage, in the District Register of Indian Immigrants' Marriages or in the Register of Indian Immigrants' Marriages kept by the Protector;

(*b.*) Of a divorce, in the District Register of Indian Immigrants' Divorces or in the Register of Indian Immigrants' Divorces kept by the Protector:

Provided that such registration shall not be made except in the presence of every person who by this Ordinance is required to sign the same or otherwise in accordance with this Ordinance.

166. The mode of registering a marriage under this Ordinance shall be as follows:—

Mode of registering marriage.

(1.) An entry according to Form 36 in the first Schedule to this Ordinance shall be made in the District Register of Indian Immigrants' Marriages or in the Register of Indian Immigrants' Marriages kept by the Protector, and

Form No. 36.

(2.) Such entry shall be signed—

(*a.*) By the Registrar or Protector, and

(*b.*) By each of the parties to the marriage if both are of full age, or by the guardian of either of the parties who is not of full age, and

(*c.*) By two witnesses present at the marriage ceremony.

167. The mode of registering a divorce under this Ordinance shall be as follows:—

Mode of registering divorce.

(1.) An entry according to Form 37 in the first Schedule to this Ordinance shall be made in the District Register of Indian Immigrants' Divorces or in the Register of Indian Immigrants' Divorces kept by the Protector; and

Form No. 37.

(2.) Such entry shall be signed—

(*a.*) By the Registrar or Protector; and

(*b.*) In the case of Mahomedans of the Suni sect, by the party or parties who have effected the divorce, and by the witness or witnesses who identify such party or parties; or

(*c.*) In the case of persons other than Mahomedans of the Suni sect, by the party or parties who have effected the divorce, and by two witnesses of the same religion and subject to the same personal law as the party or parties who have effected the divorce, such witnesses having immediately before, and in the presence of the Registrar or Protector made and signed a declaration according to Form No. 38, in the first Schedule to this Ordinance.

Form No. 38.

Limit of time for registration.

168. Registration under this Ordinance of any marriage may be made at any time within twelve months after such marriage, or the attainment by the parties married of such ages of sixteen years and twelve years respectively as hereinbefore mentioned whichever shall last happen, and not later; and registration under this Ordinance of any divorce may be made within twelve months after such divorce and not later.

Provided always that it shall be lawful for any Stipendiary Justice of the Peace or Judge of the Supreme Court to order the registration of any marriage or divorce after the expiration of the said period of twelve months if good cause be shown for the omission to register previously, or if in the opinion of such Stipendiary Justice of the Peace or Judge registration is desirable to meet the justice of the case: Provided also that every application to a Stipendiary Justice of the Peace or a Judge for an order under this section shall be made, heard and determined in open Court at some public sitting of the Court held by the Stipendiary Justice of the Peace or Judge to whom such application shall be made.

Registration of marriages upon arrival of immigrants. Form No. 39.

169. Upon the arrival of any ship having immigrants on board, the Protector shall inquire whether any of such immigrants stand in the relation of husband and wife. The declaration of a male and female immigrant that they stand in this relation shall, if uncontradicted by other evidence, be admitted by the Protector as evidence of such relation. Such declaration may be according to Form 39 in the first Schedule to this Ordinance.

The Protector, if after such inquiry it appears to him that a male and female immigrants stand in the relation of husband and wife, shall make entry of such marriage in his Register of Indian Immigrants' Marriages.

Appeal where registration refused.

170. Where, upon an application to register under this Ordinance any marriage or divorce, a Registrar or the Protector, as the case may be, refuses to make such registration, the applicant or either of the applicants whose application is refused may apply to the Supreme Court to have such registration made, and upon such application, if it appears that the registration ought to be made, the Court shall order the Registrar or the Protector to make such registration, and may make such order as to costs as seems just.

Cancelling registration.

171. Where registration under this Ordinance has been made of any marriage or divorce, any person aggrieved by such registration may apply to the Supreme Court to have such registration cancelled, and upon such application, if it appears that the registration ought not to have been made, the Court shall order the Registrar or the Protector, as the case may be, to cancel such registration, and may make such order as to costs as seems just.

Entries in Colonial Register.

172. Every Registrar not being the Chief Registrar shall transmit to the Chief Registrar a copy of every entry of a marriage or divorce made by him in his District Register of Indian Immigrants' Marriages or his District Register of Indian Immigrants' Divorces within one week after such entry is made, and the Chief Registrar shall forthwith enter in the Colonial Register of Indian Immigrants' Marriages a copy of every entry of a marriage made by him in his District Register of Indian Immigrants' Marriages and of every copy of an entry of a marriage transmitted to him by any other Registrar pursuant to this Ordinance, and shall forthwith enter in the Colonial Register of Indian Immigrants' Divorces a copy of every entry of a divorce made by him in his District Register of Indian Immigrants' Divorces and of every copy of an entry of a divorce transmitted to him by any other Registrar pursuant to this Ordinance.

Marriages registered by Protector.

173. A copy of every entry of a marriage made in the Protector's Register of Indian Immigrants' Marriages and Divorces shall, within one week after such entry is made, be transmitted by the Protector to the Chief Registrar, who shall make a corresponding entry in the Colonial Register of Indian Immigrants' Marriages or Divorces, as the case may be, distinguishing such entry as made upon the information of the Protector.

Power given to Protector of Immigrants to register all Indian marriages and divorces.

174. For the purposes of "The Marriage Ordinance, 1863," and with respect only to the marriages of immigrants the Protector of Immigrants shall have and exercise throughout the Island of Trinidad all the powers and shall perform all the duties which under or by virtue of the aforesaid "The Marriage Ordinance, 1863," are given or allotted to a District Registrar within the district of such Registrar.

PROCEDURE.

175. Any application to the Supreme Court under this part of the Ordinance and the subsequent proceedings thereupon shall be as prescribed by general orders made by the Court under this Ordinance, or if no such orders are made, and subject to such orders (if any) the application shall be by motion and the subsequent proceedings shall be according to the usual practice of the Court on motions. The procedure before a District Court shall be in accordance with "The District Courts Ordinance, 1888," and the procedure in applications to a Stipendiary Justice of the Peace shall be according to the Ordinance, No. 47 of 1895, entitled "An Ordinance to consolidate and amend the Laws relating to Procedure in respect of offences punishable on Summary Conviction," or any other Ordinance amending the same respectively, except that the procedure before a Stipendiary Justice of the Peace sitting as a Judge of a Petty Civil Debt Court shall be according to the law for the time being in force regulating such Petty Civil Courts. Procedure.

176. All general orders made by the Judges of the Supreme Court under this Ordinance shall not have any force or effect until they have been approved by the Governor and the Legislative Council, and when so approved shall have the same force and effect as if they were contained in an Ordinance, and may be disallowed by Her Majesty in the same manner and with the same consequences as in the case of an Ordinance. All such general orders made by the Judges of the Supreme Court under this Ordinance shall be published in the *Royal Gazette*. Production of a copy of the *Royal Gazette* purporting to contain any such orders shall be *prima facie* evidence of the making and tenor of such orders. Publications of general orders.

177. An entry, whether purporting to be an original entry or not, in any register directed by this Ordinance or by the "Immigrants' Marriage and Divorce Ordinance, 1881," to be kept, shall be conclusive evidence till the contrary is proved of the marriage or divorce of the parties to whom the entry relates, and also subject to the provisions of Section 161 of this Ordinance of the date of such marriage or divorce, if the same is specified in the entry, and no other evidence of a marriage or divorce between immigrants but not effected under "The Marriage Ordinance, 1863," or other general law of the Colony relating to marriage shall be admissible in any proceedings whether criminal or civil. Proof of marriage or divorce.

178. Where any entry is required by this Ordinance to be made in any register, *primâ facie* evidence may be given of such entry in all Courts of Justice and in all legal proceedings by production of a writing purporting to be certified by the person having the custody of such register to be a true copy of such entry. Proof of entries in registers and certificates.

Where any certificate is by this Ordinance required or authorized to be given, *prima facie* evidence of such certificate may be given in all Courts of Justice and in all legal proceedings by production of a certificate apparently in accordance with this Ordinance and purporting to be signed as required by this Ordinance.

No proof shall be required of the handwriting or official position of the person signing any certificate under this section.

Every certificate given under this Ordinance shall be *prima facie* evidence of the facts therein certified.

The provisions of this section shall be deemed to be in addition to and not in derogation of any powers of proof under any existing law or Ordinance.

179. It shall be lawful for all persons at all reasonable times to search the entries in the Colonial or any District Register or the Protector's Register of Indian Immigrants' Marriages and in the Colonial or any District Register or the Protector's Register of Indian Immigrants' Divorces in the presence of the person in whose custody such registers respectively are and to have true copies certified under the hand of such person of any such entries: Provided that before allowing any such search or furnishing any such certified copy any such person shall be entitled to demand the following fees that is to say :— Right to search registers.

For every search	One Shilling,
For every certified copy	One Shilling,

which fees shall be paid into the Colonial Treasury.

OFFENCES.

180. Every person making, signing, or attesting any declaration or certificate by this Ordinance required or authorised to be made or given, containing a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be guilty of a misdemeanour, and on conviction thereof may be imprisoned with or without hard labour for any term not exceeding five years. Signing false declaration or certificate.

181. Any person who forges or alters in any material particular, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered in a material particular, any certificate by this Ordinance required or authorised to be given, shall be guilty of a misdemeanour, and on conviction thereof may be imprisoned with or without hard labour for any term not exceeding five years. Forgery of certificates.

Offences by Protector of Immigrants.

182. The Protector of Immigrants,

(1.) If he fails to enter forthwith in the Protector's Registers of Indian Immigrants' Marriages or Divorces any marriage or divorce which he is required to enter therein, or

(2.) If he fails to transmit to the Chief Registrar a copy of any entry of marriage or divorce made in the Protector's Registers of Indian Immigrants' Marriages or Divorces within one week after the entry was made, or

(3.) If he fails to cancel any entry of marriage or divorce within one week after the certified copy or order authorising such cancellation reaches or is produced to him,

shall be guilty of an offence against this Ordinance, and be liable to a penalty not exceeding Ten Pounds.

Offences by Chief Registrar.

183. The Chief Registrar,

(1.) If he fails to enter in the Colonial Register of Indian Immigrants' Marriages

(*a.*) a copy of any entry of a marriage made in his District Register of Indian Immigrants' Marriages immediately after such entry was made, or

(*b.*) a copy of any copy of an entry of a marriage transmitted to him pursuant to this Ordinance within one week after such copy reaches him, or

(2.) If he fails to enter in the Colonial Register of Indian Immigrants' Divorces

(*a.*) a copy of any entry of a divorce made in his District Register of Indian Immigrants' Divorces immediately after such entry is made, or

(*b.*) a copy of any copy of an entry of a divorce transmitted to him pursuant to this Ordinance within one week after such copy reaches him,

shall be guilty of an offence againt this Ordinance and be liable to a penalty not exceeding Ten Pounds.

Offences by Registrars.

184. Any Registrar guilty of any of the following offences that is to say,

(1.) Who fails to register forthwith any marriage or divorce which he is by this Ordinance required to register, or

(2.) Who fails to transmit to the Chief Registrar a copy of any entry of a marriage or divorce made in his District Register of Indian Immigrants' Marriages, or in his District Register of Indian Immigrants' Divorces, pursuant to this Ordinance, within one week after such entry was made, or

(3.) Who fails to cancel any entry of marriage or divorce within one week after the certified copy or order authorising such cancellation reaches or is produced to him,

shall be guilty of an offence against this Ordinance, and be liable to a penalty not exceeding Ten Pounds.

PROTECTION OF WIVES OF IMMIGRANTS.

Procedure where immigrant threatens violence to his wife.

185. Where any male immigrant threatens to murder, wound, beat, or ill-treat his wife or any woman with whom he may have cohabited or seek or desire to cohabit, a Stipendiary Justice of the Peace on being informed thereof, and being satisfied that there is a reason to apprehend that bodily injury may be inflicted on any such woman, shall forthwith issue his warrant for the apprehension of the immigrant alleged to have used such threats.

Any immigrant who uses any such threats may be arrested and detained by any constable until a warrant can be obtained.

Every immigrant using any such threats shall be guilty of an offence against this Ordinance, and on conviction shall be liable to be imprisoned with or without hard labour for any term not exceeding one month.

Immigrants to be transferred in certain cases.

186. Where it is proved to the satisfaction of a Stipendiary Justice of the Peace that there is reason to apprehend that an immigrant on a plantation may inflict bodily injury on his wife or on any woman, and that on account of jealousy it is expedient to remove from any plantation any immigrant under indenture of such plantation, it shall be lawful for such Stipendiary Justice of the Peace to direct that such last mentioned immigrant shall be removed to some other plantation, and that the indenture shall be transferred.

Every immigrant under indenture so ordered to be removed may be detained in custody until his transfer to some other plantation.

Magistrate to inquire whenever reason to apprehend violence.

187. Where a Stipendiary Justice of the Peace is informed or where in any proceeding whatever it appears to a Stipendiary Justice of the Peace that there is reason to apprehend that any immigrant may inflict bodily injury on any woman, the Stipendiary Justice of the Peace shall make full investigation as to the circumstances, and shall examine on oath such witnesses as may be necessary, and shall forward a copy of the proceedings to the Protector who shall act as the circumstances may require; and the Stipendiary Justice of the Peace may order any immigrant to be

detained in custody until the Protector can take such action as may be necessary: Provided that no immigrant shall be detained under the provisions of this section for more than fourteen days.

Punishment for enticing wife of immigrant or cohabiting with her.

188. Every person who entices away or cohabits with the wife of an immigrant, or who unlawfully harbours the wife of an immigrant who has left her husband without just cause, shall be guilty of an offence punishable on summary conviction, and on conviction shall be liable to a penalty not exceeding Twenty Pounds, or to imprisonment with hard labour for any term not exceeding six months or both, and on a second or subsequent conviction shall be deemed guilty of a misdemeanour, and on conviction thereof before the Supreme Court shall be liable to be fined in any sum not exceeding One Hundred Pounds or to be imprisoned with or without hard labour for any term not exceeding two years:

Provided that no person shall be convicted under this section for cohabiting with the wife of an immigrant if he establishes to the satisfaction of the Stipendiary Justice of the Peace or Court before who such person is tried that the wife was deserted by her husband, or that the husband compelled her to leave his house, or that such cohabitation was with the knowledge and consent of the husband. No proceeding under this section shall be taken before any Stipendiary Justice of the Peace or Court except with the consent of the husband of the female immigrant or of the person having the care of such female immigrant on behalf of her husband.

A husband convicted of aggravated assault upon his wife, Court or Magistrate may make order wife no longer bound to cohabit with husband, and also for payment of alimony by husband.

189. If a husband being an immigrant shall be convicted summarily or otherwise of an aggravated assault within the meaning of Ordinance No. 6 of 1868, Section 4, upon his wife, the Stipendiary Justice of the Peace or Court before whom he shall be so convicted may, if satisfied that the future safety of the wife is in peril, order that the wife shall be no longer bound to cohabit with her husband; and such order may further provide,

(1.) That the husband shall pay to his wife such weekly sum as the Stipendiary Justice or Court may consider to be in accordance with his means, and with any means which the wife may have for her support and for the support of such children, if any, of the marriage the legal custody of whom shall have been given to the wife by such order, and the Stipendiary Justice of the Peace or Court by whom any such order for payment of money shall be made shall have power from time to time to vary the same on the application of either the husband or the wife, upon proof that the means of the husband or wife have been altered in amount since the original order varying it shall have been made;

(2.) That the legal custody of any children of the marriage under the age of ten years shall, in the discretion of the Stipendiary Justice of the Peace or Court, be given to the wife.

Provided always, that no order for payment of money by the husband, or for the custody of children by the wife, shall be made in favour of a wife who shall be proved to have committed adultery, unless such adultery has been condoned; and that any order for payment of money or for the custody of children may be discharged by the Stipendiary Justice of the Peace or Court by whom such order was made upon proof that the wife has, since the making thereof, been guilty of adultery: And provided also, that all orders made under this section shall be subject to appeal to the Supreme Court of Trinidad and Tobago in the form and manner prescribed by any Ordinance for the time being regulating appeals from decisions of Stipendiary Justices of the Peace.

In case of order made, the wife to be considered a *feme sole* with respect to property she may acquire, &c.

190. In every case of such order being made the wife shall, from the date of the sentence and whilst the separation shall continue, be considered as a *feme sole* with respect to property of every description which she may acquire or which may come to or devolve upon her; and such property may be disposed of by her in all respects as a *feme sole*, and on her decease the same shall, in case she shall die intestate, go as the same would have gone if her husband had been then dead: Provided that if any such wife should again cohabit with her husband, all such property as she may be entitled to when such cohabitation shall take place shall be held to her separate use, subject however, to any agreement in writing made between herself and her husband whilst separate.

Also, for purposes of contract and sueing.

191. In every case of such order being made, the wife shall, whilst so separated, be considered as a *feme sole* for the purposes of contract, and wrongs and injuries, and sueing and being sued in any civil proceeding; and her husband shall not be liable in respect of any engagement or contract she may have entered into, or for any costs she may incur as plaintiff or defendant: Provided that where upon any such order being made alimony has been decreed or ordered to be paid to the wife, and the same shall not be duly paid by the husband, he shall be liable for necessaries supplied for her use; Provided also, that nothing shall prevent the wife from joining, at any time during such separation, in the exercise of any joint power given to herself and her husband.

Right of action to recover gifts, &c., in consideration of marriage or betrothal.

192. If any male immigrant shall have made to any female immigrant or to her parents or guardians or either of them any payment or gift of money, securities for money, jewelry food, clothing, or other chattel in consideration of the betrothal or marriage or promise in marriage of such female immigrant and such betrothal or promise has not been followed by actual marriage and by the registration of such marriage it shall be lawful for such male immigrant to sue for and recover back in an action any such gifts or the value thereof and the amount of any money made and paid as aforesaid and whether made or paid before or after the commencement of this Ordinance any law Ordinance rule of law or custom to the contrary notwithstanding: Provided always that where the value of such gifts and the amount of such money do not together exceed £50 the proceedings shall be by plaint in any District or Petty Civil Court, and every Judge of a District Court and Stipendiary Justice of the Peace having cognizance of Petty Civil Actions is hereby authorised and required to entertain and adjudicate upon any claim brought him under this section any law or Ordinance to the contrary notwithstanding.

Proceedings to be in Inferior Court.

Proceedings in nature of action for Criminal conversations may be commenced in Inferior Court.

193. Any husband being an immigrant may on complaint to the Judge of any District Court or to any Stipendiary Justice of the Peace sitting for the hearing of Petty Civil Actions claim and recover damages not exceeding £50 from any person on the ground of such person having committed adultery with the wife of such complainant and whether such adultery took place before or after the commencement of this Ordinance and the claim made by such complainant in such case shall be heard and tried on the same principles as actions for Criminal Conversation were wont to be tried and decided in Courts of Common Law in England, and every Judge of a District Court and Stipendiary Justice of the Peace is hereby empowered and required to entertain and adjudicate upon any claim brought before him under this section any law or Ordinance to the contrary notwithstanding.

PART XI.

TRANSFER AND DETERMINATION OF INDENTURES.

Declaring of indenture void in case of death or disability of immigrant within six months after allotment.

194. If within three months after the allotment of any indentured immigrant, he dies, or it appears that he has any such disease or other disability as may render him permanently unable to perform service under indenture, and if the employer sends to the Protector a certificate of the the death, disease, or disability of such immigrant under the hand of the Government Medical Officer of the District, specifying the particulars of such death, disease, or disability, the Protector may declare the indenture of such immigrant void; and the indenture fees paid in respect of such immigrant shall thereupon become repayable to the employer out of the Immigration Fund.

Computation of commutation money.

195. The commutation money payable under this Ordinance on the determination or transfer of the indenture of any immigrant shall be computed at the rate of five shillings for every month or part of a month which may be wanting to make up service under indenture in the Colony of five years and of two-and-a-half pence for every working day endorsed by the Protector on the indenture of such immigrant.

Commutation by husband or wife.

196. Any indentured immigrant who is married to a wife or husband indentured on another plantation shall be entitled, upon giving three months' notice to the employer, to determine his or her own indenture on payment of the commutation money; and if the employer of such wife of husband, on the request of the commuting immigrant, advances such commutation money, the commuting immigrant may be re-indentured to such employer for a period equal to the unexpired remainder of the indenture so commuted.

Commutation by mother of minor.

197. On the termination of the indenture of any female immigrant, whether by expiration of time, by commutation or otherwise, she shall be entitled to remove with her from the plantation her minor and infant children, on payment of the commutation money for any such minor under indenture in respect of whose indenture the employer may have paid any indenture fee; and if such female immigrant so removes in order to become indentured to a new employer, and such employer advances, on her request, the commutation money of any such minor immigrant, the minor may be re-indentured to such employer for a period equal to the unexpired remainder of the indenture so commuted.

Determination of indenture by the Protector on payment of commutation money.

198. The Protector may, with the sanction in writing of the Governor, at any time determine the indenture of any immigrant: Provided that the Protector may, with the like sanction, indenture the immigrant to any other employer willing to accept such services for a term equal to the period of time of the previous indenture remaining unexpired at the time of its determination and pay the remaining indenture fees.

Transfer of immigrants.

199. If at any time it appears to the Governor, on sufficient ground shown to his satisfaction, that all or any of the immigrants indentured on any plantation should be removed therefrom, it shall be lawful for him to transfer the indentures of such immigrants for the remainder of their respective terms of service to any other employer who may be willing to accept their services and pay the remaining indenture fees.

Transfer of immigrant on determination of lease.

200. Every lessee of a plantation whose term of lease expires before the termination of the indenture of any immigrant indentured to him on such plantation shall be entitled to have such immigrant transferred for the unexpired remainder of his term of service to any employer, approved of by the Protector, who may be willing to accept his services and to pay the remaining indenture fees: Provided that of any such employers the first option of having such transfer made to him shall lie with the lessor of the plantation.

Transfer of services of immigrant on sale, etc., of plantation.

201. In the event of any plantation on which an immigrant is under indenture being sold either by private contract, or at execution sale, or being leased, or devolving by inheritance devise, or otherwise, such immigrant shall render the same service to the purchaser, lessee, devisee, heir, or other new employer, his heirs, executors, administrators, or assigns, and for the same term, as he would have been bound to render to his original employer.

Other provisions as to transfer.

202. Other provisions relating to the transfer of immigrants are contained in Part VII and Part X.

203. The Protector may,—

Permissible removal, temporary transfer, and determination.

(1.) On the request of any employer, allow all or any of the immigrants indentured to such employer on any plantation to be removed to any other plantation in the possession or under the management of the same employer ; or

(2.) Allow any such immigrant to be temporarily transferred for any term, not exceeding twelve months to any plantation the owner of which may be willing to accept his services, and during such term such immigrant shall be deemed to be indentured to such other employer for all the purposes of this Ordinance ; or

(3.) On the joint request of any employer and his indentured immigrant, allow the indenture of such immigrant to be determined, with or without the payment of commutation money :

Provided that no such removal, transfer, or determination shall in any manner affect any lien of the Colony upon the original plantation, or the pecuniary liability of any employer to the Immigration Fund.

Determination of indenture for ill-treatment.

204. Upon report made by any Magistrate of the conviction of any employer by him under this Ordinance for ill-usage of an indentured immigrant or for the unlawful withholding of the wages of an indentured immigrant, the Governor shall have power to declare the indenture of such immigrant determined, and may thereupon direct the Protector to re-indenture such immigrant for the remainder of his term of service to any other employer who may be willing to accept his services and pay the remaining indenture fees.

Computation of duration of indenture.

205. (1.) The indenture of an immigrant shall not determine by effluxion of time, unless the immigrant has fulfilled the legal obligations imposed on him by such indenture.

(2.) Every indenture of an immigrant, although it may purport to be for a fixed period of time, is hereby declared to be for a term of actual service equal in duration to the period of time for which the immigrant has become bound to serve under the indenture, and every such indenture shall continue in force until the immigrant has performed service thereunder for such term.

(3.) Provided that when an indentured immigrant shall as shown by the books of the estate have earned the sum of £72 18s. 4d. ($350) his indenture shall cease and determine and he shall be entitled to receive from the Protector free of charge a certificate of exemption from labour notwithstanding the provisions contained in this Ordinance.

Exclusion of certain periods in computation of term of indenture.

206. In reckoning the term of service of any immigrant under indenture for the purpose of ascertaining the time when such indenture determines, all periods of time shall be excluded during which the immigrant has been absent from his work for any of the following causes, that is to say,—

(1.) Imprisonment : Provided that imprisonment shall not, for the purposes of this section, include detention in respect of any proceeding which results in the acquittal or discharge of the prisoner, whether from want of prosecution or from any other causes ;

(2.) Desertion ; and

(3.) Unlawful absence duly certified as such by the Protector :

Provided that no indentured immigrant shall be deemed to have been absent from his work, within the meaning of this section, on account of any desertion, unless such immigrant has been duly convicted of such desertion : Provided also that this section shall not apply to any imprisonment, desertion or unlawful absence which is not duly recorded in the Register of Defaulters.

Prohibition of other transfers, &c.

207. Except as in this Ordinance provided, no indenture shall be transferred or determined either by agreement between the employer and the immigrant or otherwise.

Recording of transfers and determinations.

208. The Protector shall record every transfer, other than a temporary transfer, and every determination of an indenture in the General Register of Immigrants introduced into the Colony, and shall deliver to the employer to whom any immigrant is transferred a new Indenture List, and such employer and immigrant shall thereupon be and be taken to be bound by such indenture accordingly.

PART XII.

CERTIFICATES OF EXEMPTION FROM LABOUR.

Granting of certificate of exemption from labour. Form No. 40.

209.—(1.) Every immigrant who may have completed or who may hereafter complete any term of service under indenture, whether entered upon before or after the commencement of this Ordinance, or whose indenture may have been duly determined or may hereafter be determined under this Ordinance, shall be entitled to receive, free of charge, a certificate of exemption from labour, such certificate to be delivered to him by the District Inspector.

(2.) The Protector shall record every such certificate in the General Register of Immigrants introduced into the Colony.

Manager to give notice to Protector of completion of indenture. Form No. 41.

210. The Manager of every plantation shall give notice to the Protector of every immigrant who has completed his term of service under indenture within 14 days of such completion and upon the receipt thereof the Protector shall deliver to such immigrant a certificate of exemption from labour.

Granting of certificate to disabled immigrant.

211.—(1.) The Protector may grant to any immigrant who is at any time, in his opinion, permanently disabled and unfit to perform service under indenture, and who is certified to be so by the Government Medical Officer, a certificate of exemption from labour.

(2.) In every such case the cause of disability shall be specified in the certificate of the Medical Officer.

PART XIII.

PASSPORTS, RETURN PASSAGES AND UNLAWFUL ENLISTMENT.

Granting of passport to Indian immigrant. Form No. 42. Form No. 43.

212. Every immigrant who has obtained or become entitled to a certificate of exemption from labour, and who is desirous of quitting the Colony, shall apply to the Protector for a passport; and the Protector shall, within one week from the date of such application, deliver to him, free of charge, a passport available for fourteen days from the date thereof, and shall register such passport in the Register of Passports; and the certificate of exemption from labour of such immigrant or his right to receive such certificate, as the case may be, shall thereupon be suspended.

Quitting the Colony without passport.

213.—(1.) No immigrant shall quit or attempt to quit the Colony unless he has previously obtained a passport from the Protector.

(2.) Every immigrant who contravenes this section shall be liable to a penalty not exceeding Five Pounds.

Limitations of right to passport.

214. No passport shall be granted to any indentured immigrant, and no passport, except with the special permission of the Governor, shall be granted to any immigrant introduced into the Colony at the expense, either wholly or in part, of the Colony or of the Immigration Fund who has not resided in the Colony for at least five years after his introduction, unless such immigrant pays to the Protector a sum equal to the entire cost of his introduction, and such sum shall be ascertained and determined by the Protector.

Receiving on board ship of immigrant without passport with intent to carry him out of the Colony.

215.—(1.) Every owner, master, or person in charge of any ship who receives or harbours on board such ship or elsewhere any immigrant who has not obtained a passport or whose passport has expired, with intent to carry such immigrant out of the Colony, shall be liable to a penalty not exceeding Twenty Pounds for each such immigrant whom he may have so received or harboured, and, in default of payment of such penalty, to imprisonment, with or without hard labour, for any term not exceeding six months.

(2.) Such ship shall be liable for the amount of the penalty imposed by the Magistrate on such owner, master or person in charge and such amount and costs may be recovered and realized by the seizure and sale of such ship, her tackle, apparel and furniture by order of the Supreme Court.

(3.) Such order shall be made on a summons issued by the Supreme Court calling on the person convicted and the owners of such ship without naming such owners to show cause why the amount of penalty and costs should not be paid. On the return of such summons the Judge may make order for the sale of such ship, her tackle, apparel and furniture at such time and in such manner as he may deem expedient.

(4.) The Rules of Procedure of the Supreme Court with respect to summonses in Chambers shall apply to summonses under this section.

Form No. 44.

(5.) The charge of any offence under this section may be preferred by any person within two years after the commission of the offence.

Aiding departure of immigrant without passport.

216. Every person who aids, abets, counsels or persuades the departure from the Colony of any immigrant who has not obtained a passport, or whose passport has expired, shall be liable to a penalty not exceeding Twenty Pounds for each such immigrant whose departure he has so aided, abetted, counseled or persuaded, and, in default of payment of such penalty, to imprisonment, with or without hard labour, for any term not exceeding six months.

Prohibition of enlisting labourers for foreign parts except under license.

217. Subject to the proviso contained in this section no person shall by threat, promise, representation or any other means induce or attempt to induce any immigrant to agree to leave this Colony with intent to induce or compel such immigrant to do any work, labour or service in any place beyond the limits of this Colony: Provided that the prohibition of this section shall not apply to any person who in pursuance of a license under the hand of the Governor induces or attempts to induce immigrants to leave the Colony in order to do work, labour or service in a place beyond the limits of this Colony to which emigration from British India is permitted.

Any person contravening this section shall be guilty of a misdemeanour, and on conviction thereof before the Supreme Court may be fined in any sum not exceeding Five Hundred Pounds

and in lieu of any such fine may be imprisoned with or without hard labour for any term not exceeding two years.

Penalty for forcibly removing immigrants from the Colony.

218. Any one who removes or aids or assists in removing from this Colony any immigrant contrary to the will of such last-mentioned immigrant shall be guilty of a misdemeanour, and on conviction thereof before the Supreme Court may be imprisoned with or without hard labour for any term not exceeding five years.

Enabling illegally enlisted labourers to leave the Colony.

219. When any immigrant has agreed to leave this Colony having been induced to enter into such agreement contrary to the prohibition of this Ordinance, any one who removes or aids, abets or assists in removing from this Colony or enables or aids, abets or assists in enabling to leave this Colony any such immigrant, knowing or having reasonable grounds to believe that such immigrant has been induced to agree as aforesaid contrary to the prohibition of this Ordinance, shall be guilty of a misdemeanour, and on conviction thereof before the Supreme Court may be fined in any sum not exceeding One Hundred Pounds, and in lieu of any such fine may be imprisoned with or without hard labour for any term not exceeding two years.

220. The term "immigrant" in the three preceding sections means any Asiatic immigrant and any descendant of an Asiatic immigrant.

Right of immigrant to return passage.

221. Every immigrant who arrived in this Colony before the 5th day of August, 1898, and shall have completed a continuous residence of ten years in the Colony and has during that time obtained or become entitled to a certificate of exemption from labour shall if such immigrant desires to return to the country in which he was recruited, be entitled to be provided with a passage back to the port whence such immigrant sailed for this Colony, on payment of one-fourth of the passage money in the case of males and of one-sixth thereof in the case of females, and the cost of the outfit for the voyage. And every immigrant who has or shall have arrived after such 5th day of August, 1898, and is otherwise entitled as herein specified shall be entitled to such return passage on payment by him of one-half the passage money in the case of males and of one-third thereof in the case of females, the cost of outfit for the voyage being similarly paid by such returning immigrant.

Provided in either case as follows :—

(1.) Every such immigrant who is destitute or disabled shall be entitled to a free passage.

(2.) The wife and every son and daughter of every such immigrant and person being an immigrant or the descendant of an immigrant who is dependent on any such immigrant shall be entitled to a free passage if such wife or son or daughter or other person sails from this Colony with her husband or his or her parent or with the person on whom he or she is dependent as the case may be but not otherwise.

(3.) Where any son or daughter of any immigrant is a child under the age of twelve years the Governor may refuse a return passage to such child, if it appears that it is desirable, in the interests of the child, that the child should remain in the Colony.

(4.) If the child of any immigrant is under indenture upon which any indenture fee has been paid he shall pay the commutation money : and

(5.) Every immigrant who at any time quits or attempts to quit the Colony without a passport shall thereby forfeit all claim to a return passage, whether wholly or partly, at the expense of the Colony notwithstanding he may have resided ten years in the Colony.

This section shall not affect the rights of immigrants who have been engaged on the terms of being entitled to a return passage wholly at the expense of the Colony.

The right to a return passage in terms of this section shall be subject, in the case of every person who has previously proceeded to the Colony as an immigrant and has returned to the country in which he was recruited, to any condition made with him on her or his or her engagement that he or she shall have no right to a free or reduced return passage.

Provided, however that the Protector may with the express sanction of the Governor, in any particular case and for special cause, relax any of the provisoes of this section.

Granting of return passage to disabled Indian immigrant.

222. The Protector may order any immigrant who has received a certificate of exemption from labour under Section 211 to be provided, if he so desires, at the expense of the Immigration Fund, with a return passage to the port whence he sailed for this Colony.

Inspection, etc., of ship with return immigrants.

223. Before the departure of any ship chartered at the expense of the Colony having return immigrants on board, the Protector, assisted by a Government Medical Officer, shall inspect the ship and the immigrants, and ascertain whether the arrangements made for the passage and for the treatment of the immigrants on board are in conformity with the law and shall make out a list of the immigrants on board such ship who are entitled to a return passage in accordance with the provisions hereof, and shall deliver the same to the Surgeon Superintendent for the use of himself and the master of such ship, and shall certify upon such list the total number and description of the immigrants embarked, together with the state and condition of such immigrants, and that they have been provided with clothing suitable for the voyage.

Transmission of report of inspection to the Governor.

224. The Protector shall transmit to the Governor his report on the inspection, and shall also require and transmit therewith the report of the Medical Officer who assisted in the inspection.

PART XIV.

REGISTERS, RETURNS, AND CERTIFICATES.

Half yearly returns of deaths of immigrants in Public Institutions.

225. The superintendent, keeper, or other officer in charge of any prison, hospital, or other public institution of the Colony shall, on or before the first day of January and the first day of July in every year, make out and transmit to the Protector a return of all immigrants who may have died while inmates of such public institution during the six months previous to such months of January and July respectively, and shall transmit therewith any certificate given under this Ordinance which may be found in the possession of any such immigrant.

Registers to be kept on plantation.

226.—(1.) Every manager of a plantation on which any immigrant may be under indenture or contract of service shall keep a register book or register books.

(2.) Such book or books shall be at all times open to the inspection of the Protector, of the Surgeon-General and of the Government Medical Officer, and shall be produced in Court, if the presiding Judge or Magistrate so requires, in all proceedings taken under this Ordinance by or against any immigrant under indenture or contract of service on such plantation.

(3.) Such book or books shall include the following particulars :—

Form No. 11. (*a.*) The several indenture lists received by the manager on allotment of immigrants, or any copies of such indenture lists which have been certified by the Protector ;

Form No. 15. (*b.*) A Register of Dwellings of Indentured Immigrants ;

Form No. 31. (*c.*) A Register of Absences on Leave ;

Form No. 32. (*d.*) A Register of Desertion ;

Form No. 45. (*e.*) A Register of Births of Immigrants occurring on such plantation ; and

Form No. 46. (*f.*) A Register of Deaths of Immigrants occurring on such plantation ;

Form No. 18. (*g.*) A Case and Hospital Register.

Form No. 23. (*h.*) A Register of Cases before the Magistrate.

Making of false entry in register, etc., by manager.

227. Every manager who—

(1.) Wilfully makes any false entry in any register or return required to be kept or made by him under this Ordinance ; or

(2.) Neglects to keep any such register carefully noted up ; or

(3.) Neglects to make out and send in any such returns within the time limited in that behalf.

shall be liable, on the complaint of the Protector, to a penalty not exceeding Five Pounds.

Medical returns, etc.

228. Every Government Medical Officer shall, within one month after the end of each quarter, transmit to the Surgeon-General a return of all the diseases entered in the Case and Hospital Register within his district, and the Surgeon-General shall in the month of April in every year, make out a statistical abstract of all such returns for the preceding year, with a report thereon, and a duplicate copy of such abstract and report shall be transmitted by the Surgeon-General to the Protector, to be laid by him, together with his own report, before the Governor and Legislative Council.

Loss of certificate of exemption from labour, etc.

229.—(1.) Every immigrant whose certificate of exemption from labour has been lost or destroyed shall be entitled, on proving, to the satisfaction of the Protector, that he is then entitled to such certificate and that such certificate has been lost or destroyed, and on payment of Two Pounds, to receive a duplicate of such certificate : Provided that the Protector may, if he thinks fit, grant any such duplicate certificate on payment of any lesser fee.

(2.) Every employer shall at any time be entitled to a duplicate of any indenture list of immigrants delivered to him, on payment of One Pound or of five pence per immigrant if the immigrants are less than fifty in number.

(3.) Every employer and every immigrant shall be entitled to receive a certified extract from any register kept by the Protector, on payment of one shilling for every such extract.

Use by an immigrant of certificate or pass of another immigrant.

230. If any immigrant uses or attempts to use any certificate of exemption from labour or any pass signed by an employer, not being the immigrant to whom such certificate or pass was granted, he shall be liable to a penalty not exceeding Five Pounds or to imprisonment, with or without hard labour, for any term not exceeding two months, or to both such penalty and imprisonment.

Forgery of certificate of exemption from labour.

231. Every person who forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any certificate of exemption from labour mentioned in this Ordinance or any indorsement provided by this Ordinance to be made thereon, with intent to defraud, shall be guilty of felony, and, being convicted thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years.

232. Every person who forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any passport or pass mentioned in this Ordinance, with intent to defraud, shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to imprisonment, with or without hard labour, for any term not exceeding one year. Forgery of passport or pass.

PART XV.

PROCEDURE.

233.—(1.) Every information laid and every complaint made under any of the provisions of this Ordinance shall be laid or made before the Magistrate of the district in which the offence was committed or the cause of complaint arose, and the procedure for the recovery of any fine or penalty or the enforcement of any imprisonment under the provisions of this Ordinance shall, unless otherwise provided by this Ordinance, be that provided by "The Summary Conviction Offences (Procedure) Ordinance, 1895," or according to any future Ordinance regulating the Summary Administration of Justice, and shall be subject to appeal to the Supreme Court: Provided that any such information or complaint against an indentured immigrant shall be laid or made within one month from the date of the offence or cause of complaint, or, in case of desertion, within one week from the date at which the deserter is apprehended: Provided also that if the Protector, on behalf of any indentured immigrant wishes to bring any summary conviction or order or other adjudication of any Magistrate in any case of summary jurisdiction under this Ordinance on appeal before the Supreme Court, he may do so in the manner prescribed by the Ordinance in that behalf. Procedure generally.

(2.) No fees shall be demandable of or payable by such indentured immigrant or such employer in respect of any information, summons or other process to be had on such proceedings. Fees.

(3.) Every copy of notes of evidence or of any other process required by the Protector shall be furnished from the Registrar's Office, or by the Clerk to the Magistrate, free of charge. Copy of notes etc.

234. Every information which may be laid and every complaint which may be made under this Ordinance by an immigrant may be laid or made by the Protector on his behalf. Power to the Protector to act for immigrant.

235. In any proceeding taken by the Protector under this Ordinance, it shall not be necessary for him to attend in person, unless he is a material witness, but he may authorize any Officer of the Immigration Department to appear on his behalf. Appearance of the Protector.

236. In any proceeding taken by an employer against an immigrant under this Ordinance, it shall not be necessary for the complainant to attend in person unless the complainant is a material witness on the part of such immigrant, in which case the hearing may be postponed in order to obtain his appearance. Appearance of employer.

237. The defendant in any proceeding under this Ordinance shall be entitled to be sworn and to tender his evidence on oath; and every immigrant shall make such oath or affirmation as he may declare to be binding on his conscience, and shall be liable, in case of falsehood, to be convicted and punished as for perjury. Admissibility of evidence of defendant.

238. In any proceeding taken by or against an employer in which it may be necessary to state the ownership of any property belonging to or in the possession of the proprietors of any plantation, it shall be sufficient to name any one of such proprietors, or the attorney of such proprietors, and to state such property to belong to the person so named and another or others, as the case may be. Statement of Ownership of Property.

239. In any proceeding taken by or against an immigrant, any indenture list or certificate of exemption from labour, and any duplicate thereof signed by the Protector, and every certified extract from any register kept by the Protector, shall be received in evidence of any fact therein recorded without further proof. Proof of indenture list, etc.

240.—(1.) Whenever, in any proceeding before a Magistrate against an indentured immigrant, it appears to the Magistrate that such immigrant requires medical care or to be medically examined, the Magistrate may order such immigrant to be taken to the hospital of the plantation on which such immigrant is indentured, or to the nearest Public Hospital, and thereupon such immigrant shall be conveyed by the Police and admitted to such hospital. Power for Magistrate to order indentured immigrant before him to be conveyed to hospital.

(2.) If a warrant has been issued for the apprehension of such immigrant as a deserter and he quits the hospital without being duly discharged, the warrant shall revive and be in full force immediately on his so doing.

(3.) When any such order is made the proceeding may be adjourned to any time mentioned or until after such immigrant is discharged from the hospital; and in this latter case the Magistrate, before continuing the proceeding, shall cause proper intimation to be given to the parties of the time and place at which the proceeding will be continued.

241. Any Magistrate who orders any indentured immigrant to be imprisoned by virtue of any conviction under this Ordinance may order such immigrant to be imprisoned either with or without hard labour. Imprisonment of indentured immigrant.

Admission of immigrant sentenced to imprisonment to bail in certain cases.
Form No. 47.

242.—(1.) Whenever any indentured immigrant is sentenced to be imprisoned under any summary conviction or order by a Magistrate for any alleged offence under the provisions of this Ordinance, and the Protector appeals to the Supreme Court, the Magistrate shall thereupon admit such immigrant to bail in his own recognizance, in a sum not exceeding Twenty Pounds, to render himself to prison according to the adjudication in case the adjudication is affirmed, and the adjudication if affirmed shall be enforced in the manner provided by "The Summary Conviction Offences (Procedure) Ordinance, 1895" or according to any future Ordinance regulating the Summary Administration of Justice.

(2.) If the immigrant has been committed to prison before the Protector has appealed, then and in every such case the Superintendent of the Prison wherein the immigrant is imprisoned shall admit the immigrant to bail as aforesaid on receiving notice in writing from the Protector that he has appealed.

Certified copy of proceeding before Magistrate.

243. (1.) Every Magistrate shall, on application made to him, furnish to the Protector, free of cost, a certified copy of any summary proceedings taken or had by such Magistrate in respect of any matter arising out of the provisions of this Ordinance in which any immigrant is concerned, and such copy shall include a certified copy of the information or complaint, the evidence, and the conviction or order.

(2.) The Magistrate shall furnish such copy within seven days from the day on which he receives the application of the Protector for the same.

Copy of warrant of commitment of immigrant.

244. The keeper of every prison shall, on application made to him, furnish to the Protector, free of cost, a copy of the warrant of commitment or other authority by virtue whereof such keeper detains in custody any immigrant for any alleged breach of the provisions of this Ordinance.

Notification by Magistrate of conviction of indentured immigrant.
Form No. 48.

245. When any indentured immigrant is convicted of any offence committed by him after the mencement of this Ordinance, and is sentenced by any Magistrate to pay a fine or penalty, or to be imprisoned with or without hard labour, the Magistrate shall state on the face of the warrant of commitment, if the immigrant is committed to prison, that the person therein named is an indentured immigrant, if the fact is known to him, and shall, free of cost, forward to the employer of such immigrant, if such employer is known to him, or if the employer is not known to him, then to the Protector, a certificate, signed by himself, stating that such immigrant has been so convicted and sentenced, and the time if any, during which the immigrant was detained in custody while awaiting his trial before he was so convicted.

(2.) In case of desertion, the Magistrate shall also state in the conviction the date when such immigrant first quitted the plantation and the date when the charge was preferred against him for such desertion.

Notification by Magistrate in case of committal for trial.
Form No. 49.

246. When any indentured immigrant is charged with having committed any crime or offence after the commencement of this Ordinance and is referred by a Magistrate for trial at the Supreme Court, the Magistrate shall attach to the depositions taken by him in such matter, and transmit therewith, a certificate stating the time during which the immigrant has been in custody in respect of such charge before he was referred for trial, and whether or not the immigrant has been admitted to bail.

Certificate of conviction before Supreme Criminal Court.
Form No. 50.

247. When any indentured immigrant is convicted before the Supreme Court of any crime or offence committed by him after the commencement of this Ordinance, and is sentenced to be imprisoned, the Registrar of the Courts shall give to the employer of such immigrant, on his application, the certificate forwarded by the Magistrate with the depositions, and shall furnish to the employer, free of cost, a certificate stating that the immigrant mentioned in the certificate of the Magistrate was so convicted and sentenced, and shall state therein if the immigrant was admitted to bail, either before or after his trial, by any Judge of the Supreme Court.

PART XVI.

MISCELLANEOUS PROVISIONS.

PROPERTY OF DECEASED INDENTURED IMMIGRANTS.

Mode of dealing with property of deceased indentured immigrant.

248. (1.) Every Inspector shall collect and take possession of all the property of any indentured immigrant who dies in his district, and, with the sanction of the Protector, shall deliver or pay the same to any person who establishes a right thereto, or, in the absence of any such person, shall convert the same into money and pay over the amount realized to the Receiver-General to be remitted to the persons abroad who may be entitled to the same.

Form No. 51.

(2.) The Protector shall keep a book in which shall be recorded the particulars of any dealings with any such property.

(3.) The Receiver-General shall in the month of January in each year prepare a list of all balances appertaining to the estates of immigrants and shall cause such list to be published in the *Royal Gazette*.

(4.) The Protector shall forward a copy of every such list to the Emigration Agent in India who shall ascertain with as little delay as possible the heirs of such immigrants.

249. No appeal to any Court shall lie from any decision of the Protector in respect of any claim made to or against the estate of any deceased indentured immigrant, and no action shall lie against the Protector or against any Inspector for any act done or omission made by him in the administration of the estate of any such deceased immigrant under the provisions of this Ordinance. Protection of the Protector, etc., in relation to property.

250. Every manager of a plantation shall, without delay, notify in writing to the Inspector of the district the decease of any indentured immigrant, and shall also, with the notification of his decease, transmit a short inventory of all the goods, chattels, personal effects, wages, and other assets which belonged or were due to such deceased immigrant. Proceeding by manager on death of indentured immigrant.

CARE OF ORPHANS.

251. The Protector may commit the care and custody of any orphan child of an immigrant to any person (hereinafter termed "the guardian") whom he may think a fit and proper person to have the charge of such orphan child, and may change such guardian whenever he thinks fit. Appointment of guardian of orphan child of immigrant.

252. Every person who— Interference with guardian, etc.

(1.) Wilfully interferes with a guardian in any of the duties of his guardianship; or

(2.) Unlawfully removes or entices, or attempts to remove or entice, an orphan from the care and custody of his guardian,

shall be liable, on the complaint of the Protector, to a penalty not exceeding Ten Pounds or to imprisonment, with or without hard labour, for any term not exceeding three months.

TRAINING SCHOOLS.

253. It shall be lawful for the Governor upon application made to him by the person establishing, or the directors or managers of any Indian training school to direct the Protector, and the Inspector of industrial schools or either of them to examine and report to him upon its condition and regulations, and any such school as shall appear to the satisfaction of the Governor and shall be certified under his hand to be efficient for its purpose shall be held to be "An Indian Training School" under the provisions of this Ordinance. Indian training schools. Form No. 52.

254. It shall be lawful for the Protector and the Inspector of industrial schools to visit from time to time any school which shall have been so certified, and if upon the report of either of them the Governor shall think proper to withdraw such certificate, and certify such withdrawal under his hand to the Director and Managers of the said school, the same shall forthwith cease to be an Indian Training School within the meaning of this Ordinance. Withdrawal of certificate of Training School.

255. It shall be lawful for the Protector to direct any child or other descendant of any Indian immigrant introduced into this Colony at the public expense with the consent of the father, if living, and resident in this Island, or any such child being an orphan or abandoned by his parents to be sent to such Indian Trading School; provided that no such child shall be so sent who shall be above the age of ten years, and that no child who shall be so sent to any such Indian Training School shall be liable to be retained at such school after he shall have attained the age of fifteen years, except with his consent. Power of Protector to send Indian children to training school.

256. Any person who shall knowingly entice any such child to abscond, or shall knowingly harbour any such child who may have absconded from any such school to which he shall have been sent by the Protector shall on conviction thereof before any Justice of the Peace forfeit and pay for every such offence any sum not exceeding Ten Pounds as to the convicting Justice shall seem fit. Enticing or harbouring children absconding from training school. Form No. 53.

257. It shall be lawful for any Justice of the Peace, on complaint made that there is reasonable cause to believe that any such child is detained or harboured by any person, to order that a warrant do issue to search for such child, and it shall be lawful for the police constable to whom such warrant shall be directed or any other person acting in his aid to enter any house or other premises where such child may reasonably be suspected to be, and to deliver such child, if sound, into the charge of the director or master of such training school. Warrant to issue for harbouring children. Form No. 54.

258. It shall be lawful for the Governor to defray out of the public moneys appropriated to immigration for the cost of the maintenance and clothing of any child who may be sent to any such Training School by the order of the Protector during the time that he may remain at such school such sum not exceeding Ten Pounds per annum for every such child as to the Governor shall seem fit. Cost of maintenance to be defrayed out of immigration fund.

259. It shall be lawful for the Governor to apprentice any child who may have been trained at any Indian Training School on such child leaving such school, as a household servant, or as a servant in husbandry or gardening, or to any trade, craft, art, or mystery for any term not more than five years, determinable in every case upon such child attaining the age of eighteen years, or in the case of a female upon her being married, upon such terms and conditions to be contained in the indenture of apprenticeship as to the Governor shall seem fit, and every such indenture shall be as binding on such child as if he or she being of full age had by deed of covenant bound himself or herself. Power of Governor to apprentice children from Training Schools. Form No. 55.

Penalty for breach of indenture.

260. Every master of any such apprentice who shall wilfully neglect or refuse to perform any of the terms or conditions contained in such indenture to be performed by such master shall, on conviction thereof before any Justice of the Peace, forfeit such sum not exceeding Twenty Pounds as to the convicting Justice shall seem fit.

Transfer of apprenticeship.

261.—(1.) It shall be lawful for the master of any such apprentice with the consent of the Governor in writing to be indorsed on such indenture to assign such apprentice during the residue of his or her apprenticeship to any person willing to take such apprentice, and who may be approved of by the Governor.

(2.) In case of the death of the master of any such apprentice during the term of such apprenticeship it shall be lawful for the Governor to assign such apprentice for the residue of his term of apprenticeship to such person as the Governor shall see fit.

(3.) It shall be lawful for the Governor in any case where he shall see fit to cancel the indenture of such apprenticeship, and thereupon to bind such apprentice to some other person for a term equal to the unexpired term of his or her original service.

Keeping of register of orphans. Form No. 56. Form No. 57.

262. The Protector shall keep a Register of Orphans for the purposes of Sections 251 and 252, and also a Register of children in Training Schools and of apprentices under Sections 255, 259, and 261 of this Ordinance.

REGULATION OF FESTIVALS.

Making of regulations for Government of festivals.

263. The Governor may make regulations for the government of the festivals of immigrants, and of the processions held by them in connexion therewith, and for defining the routes of such processions, and for preventing obstructions of the public highway by reason of such processions, and for securing the due maintenance of the public peace and tranquility during such festivals and processions. Every such regulation shall be published in the *Royal Gazette*.

Application for regulations.

264. Any such regulations may be either general and apply to every plantation or public highway of the Colony, or special and apply only to a particular plantation or public highway, to be specified in the regulations.

Contravention of regulations.

265. Every person who contravenes any such regulation shall be liable to a penalty not exceeding Twenty Pounds or to imprisonment, with or without hard labour, for any term not exceeding six months. Anyone offending against this section may be arrested without warrant by any constable within whose view the offence is committed and by him detained until he can be brought before a Justice of the Peace.

Prosecution for contravention.

266. Any prosecution for the contravention of any such regulation may be made by any police constable.

QUESTIONS AS TO AGE, ETC.

Decision of question as to age of immigrant.

267. Any question as to the age of an immigrant which may be raised under this Ordinance, other than a question in a Court of Justice, may be decided by the Protector, and his decision shall be final.

Penalty for contravention of the Ordinance not provided for.

268. In any case where no punishment is provided for the contravention of any of the provisions of this Ordinance, every person who is guilty of such contravention shall be liable to a penalty not exceeding Five Pounds.

TEMPORARY PROVISIONS.

Completion of existing indentures.

269. Every immigrant who may be under indenture at the commencement of this Ordinance, or who may be then liable to have his indenture prolonged, shall be bound to perform service under such indenture for a term equal in duration to the period of time for which the indenture may then remain unexpired or for which the indenture may have been or may be lawfully prolonged, and the indenture of every such immigrant shall determine when the immigrant has performed such service.

Existing registers, etc.

270. Each and every register of whatever description heretofore kept by the Protector under any Ordinance relating to immigration and every indenture list made under any such Ordinance shall, subject to the provisions of this Ordinance, be taken to be registers and indenture lists kept and made under this Ordinance, and shall have and shall be taken to have the same force and effect as if they had originally been required to be kept and made and had been kept and made under the provisions of this Ordinance.

Effect of existing indentures.

271. All indentures entered into on or before the commencement of this Ordinance and recorded in any of the said registers and indenture lists shall, subject to the provisions of this Ordinance, be deemed to be indentures entered into and registered under this Ordinance.

Case of existing Officers of the Immigration Department.

272. Any officer of the Immigration Department who was appointed under any Ordinance hereby repealed shall continue to hold his appointment in the same manner as if such Ordinance had not been repealed, but subject to the provisions of this Ordinance.

273. Nothing in this Ordinance shall affect the arrangement of the Medical District in existence at the commencement of this Ordinance. Saving as to existing Medical Districts.

274. Notwithstanding the enactment of forms in the First Schedule to this Ordinance, the Protector may allow any form in use at the commencement of this Ordinance to be used, either generally or in any special case, after the commencement of this Ordinance for such time, not exceeding twelve months, as he may think fit. Temporary use of existing forms.

275. Except in so far as they may be inconsistent with this Ordinance, all regulations and any dietary scale made under any Ordinance hereby repealed shall, notwithstanding such repeal, continue in full force and effect unless and until they are altered or repealed under this Ordinance. Continuance of existing regulations, etc.

276. The enactments mentioned in the Second Schedule to this Ordinance are hereby repealed. The repeals by this Ordinance shall not effect the validity or invalidity of any thing done or suffered or any right accrued or liability incurred before the commencement of this Ordinance, or any proceeding pending or uncompleted at the commencement of this Ordinance. Repeal of enactments. Second Schedules.

Passed in Council this Seventeenth day of July, in the year of Our Lord one thousand eight hundred and ninety-nine.

C. J. ROOKS,

Acting Clerk of the Council.

SCHEDULES.

THE FIRST SCHEDULE.

Section 4.

FORMS.

Table of Forms.

No. 1. Summons on Inquiry.
No. 2. Oath on Inquiry.
No. 3. Affirmation on Inquiry.
No. 4. Return of Immigration Fees payable.
No. 5. Application for Immigrants.
No. 6. Register of Applications for Immigrants.
No. 7. Register of Immigrants introduced from elsewhere than British India (same as Form No. 10).
No. 8. Tickets for Immigrants (same as Verification Paper).
No. 9. Certificate by Owner or Master of Vessel (new Form Mauritius)
No. 10. General Register of Immigrants introduced into the Colony.
No. 11. Indenture List.
No. 12. Certificate of Exemption from Labour on arrival (new Form).
No. 13. Death-rate Return (existing Form).
No. 14. Re-indenture of Immigrants (existing Form).
No. 15. Register of Dwellings of Indentured Immigrants.
No. 16. Scale of Rations.
No. 17. Certificate for Hospital (existing Form).
No. 18. Case and Hospital Register of Plantation.
No. 19. Pay List.
No. 20. Complaint for an Offence by a Watchman.
No. 21. Complaint for being Drunk, etc.
No. 22. Complaint for using Threatening Words, &c.
No. 23. Register of Cases before the Magistrate.
No. 24. Quarterly Returns by Employers (existing Form).
No. 25. Quarterly Return.
No. 26. Complaint for being Absent without Leave.
No. 27. Certificate that Absence was for reasonable Cause or the Contrary
No. 28. Complaint against a Deserter.
No. 29. Warrant for Apprehension of a Deserter.
No. 30. Particulars of Immigrant Absconded.
No. 31. Register of Absences on Leave.
No. 32. Register of Desertions.
No. 33. Certificate of Return of Indentured Immigrant to Plantation.
No. 34. Complaint against an Habitual Idler.
No. 35. Register of Defaulters.
No. 36. Register of Marriages.
No. 37. Register of Divorces.
No. 38. Declaration of Witnesses to a Divorce (existing Form).
No. 39. Declaration of Marriage on Arrival by two Immigrants.
No. 40. Certificate of Exemption from Labour.
No. 41. Notice of Completion of Term of Service by Immigrant.
No. 42. Passport.
No. 43. Register of Passports.
No. 44. Complaint against Owner, etc., of Ship for receiving Immigrant who had no Passport.
No. 45. Register of Births on Plantation.
No. 46. Register of Deaths on Plantation.
No. 47. Recognizance in case of Appeal.

No. 48. Certificate of Conviction of Indentured Immigrant by the Magistrate.
No. 49. Certificate of Reference of Indentured Immigrant for Trial.
No. 50. Certificate of Conviction of Indentured Immigrant by the Supreme Court.
No. 51. Register of Property of Deceased Immigrants.
No. 52. Certificate for Training School.
No. 53. Complaint for Enticing or Harbouring Children from Training Schools.
No. 54. Warrant for Search of Absconding Child.
No. 55. Indenture of Apprenticeship.
No. 56. Register of Orphans.
No. 57. Register of Children in Training Schools and Apprenticed.

FORM NO. 1. Section 17.

Summons on Inquiry.

To *of*

Take notice that, under the provisions of the Immigration Ordinance, 1899, you are required to attend before me at in the County of on day, the day of 18 at o'clock, m., then and there to give evidence touching the matter of a certain inquiry, to be then and there lawfully held by me, on pain as the law directs,

Dated this day of 18

(Signed.)

Protector of Immigrants.

FORM NO. 2. Section 18.

Oath on Inquiry.

The evidence which you shall give before me touching the matter now in question shall be the truth, the whole truth, and nothing but the truth: *So help you God.*

FORM NO. 3. Section 18.

Affirmation on Inquiry.

I, do solemnly affirm that the taking of any oath is according to my religious belief unlawful, and I do solemnly affirm that the evidence which I shall give touching the matter now in question shall be the truth, the whole truth, and nothing but the truth.

FORM NO. 4. Section 30.

List of Indenture Fees payable by on the following Immigrants.

Estate.	Reg. No.	Name of Immigrant.	Sex.	Ship.	Date when due.	Fees.
						£

Section 32.

FORM NO. 5.

Application for Immigrants for the Season 18 —18 .

SIR,

We beg to make application for Indian Immigrants, to arrive during the ensuing season, to be located on the undermentioned estates, situated in the following wards :—

Estate.	Ward.	Number of Immigrants (including females).

As of above estates, we hereby bind ourselves to observe all Laws, Rules and Regulations regarding Indentured Immigrants that at present exist as well as such others as the Governor may from time to time establish.

We are, &c.,

The Hon'ble
THE PROTECTOR OF IMMIGRANTS.

Section 32.

FORM NO. 6.

Register of Applications for Immigrants for the Season 18 —18 .

Number of Application.	Date of Application.	Name of Applicant.	Description of Applicant, whether Proprietor, Attorney, or Lessee.	Name of Plantation to which Immigrants are to be allotted.	Consents or Objections, as of Lessor, Mortgagor, etc.	Number and Description of Immigrants applied for.				Total.	Remarks.
						Calcutta Indians.	Madras Indians.	Chinese.	Others.		

FORM No. 7 Section 52.

(*Same as Form No 10.*)

FORM No. . Section 52.

Certificate of Verification.

Immigratione Office,
18

Name of Vessel
Date of Arrival
Name of Immigrant
Sex
Age
Name of Employer
Name of Estate
Term of Engagement—Five years
Registered Number

Protector of Immigrants.

FORM No. 9.

Port-of-Spain, Trinidad. Section 54.

We, A. B. (designation), and C. D., Master (or Owner or Agent) of the (Name of Vessel) of (Port of Registry), certify that an arrangement was on the day of entered into between (mention by whom arrangement made) for the introduction in this Colony in the said vessel of (mention number) male and (mention number) female Immigrants on account of the said A.B.

A. B.

C. D.

The above certificate deposited in my office this day.

E. F.,

Protector of Immigrants.

FORM No. 10. Section 62.

General Register of Immigrants introduced into the Colony by the Ship from on the day of 18 .

No.	Name.	Father's Name.	Sex.	Age.	Height. Ft.	Height. In.	Caste	Bodily Marks.	Name of Native Place.	Date of Indenture.	Plantation to which allotted.

Amount of Fee charged partially Non-effective Immigrant.	No. in Marriage Register.	Indenture Fee Refunded.			Plantation to which transferred.	Commuted.	Certificate of Exemption.		Sent to Eleemosynary Institution.	No. in Obituary Register.		No. and Name of Ship in which returned to India.	Year of Departure.	Remarks.
		Clause.	Amount.				No.	Year.		No.	Year.			
			$	cts.										

Section 62

FORM No. 11.

* *Indenture List of* *Immigrants ex Ship* 18 , *allotted to Plantation.*

Register No.	Name.	Father's Name.	Sex.	Age.	Height.	Bodily Marks.	Date of Indenture.	Amount of Fee.	No. of Wife, Husband, or Parents.	Remarks.

This indenture witnesseth that from this date
the Immigrants scheduled above have been duly indentured by the Protector of Immigrants
to to serve as labourers and reside on

Plantation for Five Years, subject in all respects to the Immigration Ordinance, 1899.

Dated this day of 18 .

Witness : (Signed.)

Protector of Immigrants.
Proprietor [or as the case may be].

FORM NO. 12. Section 66.

TRINIDAD.

Immigration Office,
189

I certify that the Indian Immigrant No. who arrived in this Colony on the day of 189 in the Ship has paid into the Colonial Treasury the sum of Pounds Shillings and Pence Sterling, in consideration whereof I hereby order the said to be discharged from all liability to service under Indenture.

HEIGHT.		BODILY MARKS.
Feet.	Inches.	

Protector of Immigrants.

FORM NO. 13.

Return of Mortality for five years 189 *to* 189

Name of Estates.	Districts.	Year ending 30th June, 189 .			Year ending 30th June, 189 .			Year ending 30th June, 189 .			Year ending 30th June, 189 .			Year ending 30th June, 189 .			Mean Death-rate.
		Indentured.	Died.	Percentage.	Indentured.	Died.	Percentage.	Indentured.	Died.	Percentage.	Indentured.	Died.	Percentage.	Indentured.	Died.	Percentage.	

Section 80.

FORM No. 14.

Ship's Name

TRINIDAD.

No.

This Indenture made the day of 189 , between the Honourable the Protector of Immigrants of this Colony, on behalf of Indian Immigrant, No. , who has completed an Industrial Residence of Five Years within this Colony, of the one part, and of in this Colony, employer, of the other part: Witnesseth that in virtue of the provisions of "The Immigration Ordinance, 1899," and in consideration of the agreement on the part of the said employer hereinafter contained: He the said Protector of Immigrants doth hereby bind and indent the said Immigrant to the said employer for the term of One Year to be computed from the date hereof; and doth hereby agree with the said employer, his heirs and assigns, that the said Immigrant shall during the said term truly and faithfully serve the said employer, his heirs and assigns, as a labourer on plantation , according to the Laws and Regulations made or hereafter to be made, concerning Immigrant labourers in this Colony. And the said employer doth hereby agree with the said Protector of Immigrants that the said employer, his heirs and assigns, shall, during the said term, provide the said Immigrant with suitable and sufficient Lodging, Medicine, Medical Attendance and Allowances in conformity with the Laws and Regulations made, or hereafter to be made concerning Immigrant labourers in this Colony, and also will pay wages Monthly to the said Immigrant at the same rate which may be at the time paid to the labourers not under a written engagement residing at the said plantation.

In Witness whereof We have } hereunto set our Hands }

Protector of Immigrants.

RECEIVED from the sum of Pounds Shillings and Pence Sterling as Bounty Money for One Year's Indenture from date.

HIS

Witness:

MARK

It having been made to appear to me that the Indentured Immigrant No. has been absent without lawful excuse from the service of the estate of days during the term of the present indenture.

I hereby make order that the said shall work for days additional before this indenture shall be deemed to be completed.

Protector of Immigrants.

Section 84.

FORM No. 15.

Register of Dwellings of Indentured Immigrants on Plantation.

Letter of Range.	No. of Apartment in Range.	Name of Immigrant.	Sex.	No., Ship, and Year of Arrival.	Remarks.

FORM NO. 16. Section 88.

Scale of Rations.

1½ Pound Rice.

4 Ounces Dāl or Pease.*

1 do. Ghi or Coconut Oil.

2 do. Salt.

FORM NO. 17.

TRINIDAD.

I, Protector of Immigrants, do hereby certify, that on the requisition of of the Plantation in the Ward of I have inspected a building on the said plantation intended to be used as a hospital, and that the said Building is well ventilated, and otherwise fit to be used as a hospital, and that the dimensions of the said Building are as follows :—

Length	Feet
Breadth	Feet
Height from Floor to Plate	Feet
Height from Plate to Ridge	Feet

And that the internal contents of the said building are cubic feet, and that the said building is capable of accommodating patients.

Given under my hand this day of 189 .

FORM NO. 18. Section 92.

18 *Case and Hospital Register of the* *Estate.*

Date of Visit.	Date of Admission.	Name.	Sex.	Age.	No. Ship and date of arrival.	Disease.	Diet.	Treatment.	DATE OF		Remarks.
									Discharge.	Death.	

* Or any such equivalent quantity of vegetable food as the Protector may from time to time allow.

Section 113.

FORM NO. 19.

Estate Labour and Pay List for Two Weeks ending the 18

The

Ship.	Name of Immigrant.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.		Amount this week.	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.		Amount this week.	Amount last week.	Totals.	Dr.	Cr.	To whom paid.
		Occupation.	Amount.	Occupation.	Amount.	Occupation.	Amount.	Occupation.	Amount.	Occupation.	Amount.	Occupation.	Amount.		Occupation.	Amount.	Occupation.	Amount.	Occupation.	Amount.	Occupation.	Amount.	Occupation.	Amount.	Occupation.	Amount.						

FORM No. 20. Section 125.

Complaint for an Offence by a Watchman.

TRINIDAD.

The complaint of the Manager of plantation in the district in the County of taken [*on oath*] before me, the undersigned Stipendiary Magistrate for the said district, who saith that the Immigrant male, years on arrival, No. ex 18 being then under indenture on the said plantation, and having bound himself by a certain agreement to serve as a watchman on the said plantation, and being then bound so to serve for a period then unexpired, on the day of 18 and whilst he was so bound as aforesaid, at the said plantation, did unlawfully neglect his duty as such watchman by [*here state how*] [*or* to serve as a watchman on the said plantation] contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Manager of Plantation.

Taken [*and sworn*] before me this day of 18 at

(Signed.)

Stipendiary Magistrate.

FORM No. 21. Section 126

Complaint for being Drunk, etc.

TRINIDAD.

The complaint of the Manager of plantation in the district, in the County of taken [*on oath*] before me, the undersigned Stipendiary Magistrate for the said district, who saith that the Immigrant male, years on arrival, No. ex. 18 being then under indenture on the said plantation, on the day of 18 at was drunk in [*or* about] the buildings, while employed on certain work, namely [*here describe the work*].

[*or* was drunk during the time when he was required to be at work [*or* was guilty of fraud] [*or* wilful deception] in the performance of his work by (*here describe the fraud or deception practised.*)]

[*or* did use to his employer [*or* a person by his employer then placed in authority on the said plantation as Overseer *or* as Foreman] abusive [*or* insulting] words [or gestures] contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Manager of Plantation.

Taken [*and sworn*] before me this day of 18 at

(Signed.)

Stipendiary Magistrate.

FORM No. 22. Section 127.

TRINIDAD.

Complaint for using Threatening Words, etc.

The complaint of the Manager of plantation in the district in the County of taken [*on oath*] before me, the undersigned Stipendiary Magistrate for the said district, who saith that the Immigrant male, years on arrival, No. ex 18 being then under indenture on the said plantation, on the day of 18 at did use to his employer, [*or* a person by his employer then placed in authority on the said plantation as Overseer *or* as Foreman] threatening

words [*or* gestures]. [*or* did by negligence (*or* carelessness *or* improper conduct) endanger (*or* damage, *or* cause to be endangered, or damaged, *or* suffer to be endangered or damaged) certain property of his employer, the proprietor of the said plantation, namely (*here describe the property*)], [*or* did sell certain property of his employer, the proprietor of the said plantation [(*here describe the property*)] [*or* did hinder (*or* molest) one an Immigrant, in the performance of his work] [*or* did persuade (*or* attempt to persuade) one an Immigrant, unlawfully to refuse (*or* absent himself from *or* desist from) work] contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Manager of Plantation.

Taken [*and sworn*] before me this day of 18 at

(Signed.)

Stipendiary Magistrate.

Section 128.

FORM NO. 23.

Register of cases before the Magistrate.

No. herein.	Date of Complaint.	Complainant.	Defendant.	No., Ship, and Year of Arrival.	Charge.	How disposed of.	Date of disposal.	Punishment.	Remarks.

FORM NO. 24.—Section 130.

Return of Indentured and Unindentured Immigrants on the Estate, in the Ward of for the Quarter ending 189

COUNTY.	NAME.	No. Registered.	Ship's Name.	Date of Indenture.	Not Indentured.	Bounty.	Age.	Sex.	Children.		Births.		Deaths of Children.		Adults Deaths.		Cause of Death.	Days Worked.	Days Absent.	Remarks.
									Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.				

N.B.—You are requested by the Protector of Immigrants to specify the Sex, Ship's name and number of both indentured and unindentured Immigrants with their children, if any, and to note the Sex of any children born during the quarter. A correct return of Births being children of INDENTURED parents is of absolute necessity.

Section 130.

FORM NO. 25.

Quarterly Return of Indentured Immigrants on the.....Estate for the Quarter ending.....

	1ST MONTH.		2ND MONTH.		3RD MONTH.		REMARKS.
	M.	F.	M.	F.	M.	F.	
Absconded							
In Colonial Hospital							
In Estate do.							
Out-patients do.							
In Lunatic Asylum							
In Leper do.							
In Gaol							
Blind							
Crippled							
Physically unfit for work							
Too high caste to work							
Shirking work							
Pregnant							
Nursing							
Total not at work							
„ at work							
Total indentured							
*Percentage working							
*Percentage not working							

* To be filled up in the Immigration Office.

FORM NO. 26. Section 137.

Complaint for being absent without leave.

TRINIDAD.

The complaint of the Manager of plantation in the district in the County of taken on oath before me, the undersigned Stipendiary Magistrate for the said district, who saith that the Immigrant male, years on arrival, No. ex 18 being then under indenture on the said plantation, did unlawfully absent himself from the said plantation without leave during the time in which he was required to be at work, namely [*here state the time and describe the work*].

[*or* being then under indenture on the said Plantation, on the day of 18 [*or* and on **days then next following,* *if the absence continues*] did unlawfully absent himself from the said plantation without leave, and did thereby commit a breach of his obligation of residence on the said plantation]

contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Manager of Plantation.

Taken [*and sworn*] before me this day of 18 at

(Signed.)

Stipendiary Magistrate.

**N.B.—This number cannot be more than two, for if the Immigrant has been so absent for more than two days in addition to the day specified, he becomes a deserter.*

FORM NO. 27. Section 139

Certificate that Absence was for reasonable cause or the contrary.

This is to certify that the Immigrant male, No. ex 18 came to me on the day of 18 to complain of [*here state the matter of complaint*] and that I am of opinion he had reasonable grounds for so doing [*or* that the complaint was ill-founded *or* frivolous.]

Dated this day of 18

(Signed.)

Protector of Immigrants or Stipendiary Magistrate.

FORM NO. 28. Section 140.

Complaint against a Deserter.

TRINIDAD.

No. plantation.

The complaint of the Manager of plantation in the district in the County of taken [*on oath*] before me, the undersigned Stipendiary Magistrate for the said district, who saith that the Immigrant male, years on arrival, No. ex 18 in height, bodily marks being then under indenture on the said plantation, did, on the day of 18 without leave absent himself from the said plantation, and did continue so to absent himself from the said plantation for the period of three days then next following, by means whereof he the said then became and now is a deserter from the said plantation, contrary to the form of the Ordinance in such case made and provided; and thereupon the said makes application that the said may be apprehended and dealt with according to law.

(Signed.)

Manager of Plantation.

Taken [*and sworn*] before me this day of 18 at

(Signed.)

Stipendiary Magistrate.

N.B.—These complaints are to be numbered consecutively on each plantation in each year from the 1st January to the 31st December.

Section 140.

FORM No. 29.

Warrant for apprehension of a Deserter.

TRINIDAD.

To all Constables of the Colony.

No. 18

Whereas a complaint in writing has this day been made before me the undersigned Esquire, Stipendiary Magistrate for this Colony, at within the district in the County of by Manager of plantation in the said district [*on oath*] for that the Immigrant male, years on arrival, No. ex 18 in height, bodily marks, being then under indenture on the said plantation, did, without leave, on the day of 18 absent himself from the said plantation and did continue so to absent himself from the said plantation for the period of three days then next following, by means whereof he then became and now is a deserter from the said plantation contrary to the form of the Ordinance in such cases made and provided: These are therefore to command you, or either or any of you, forthwith to apprehend the said and bring him before me, or the then acting Stipendiary Magistrate for the said district, to be further dealt with according to law.

Dated this day of 18 at

(Signed.)

Stipendiary Magistrate.

N.B.—Warrants for deserters are to be numbered consecutively in each district in each year from the 1st January to the 31st December.

Section 140.

FORM No. 30.

Estate,

18

Particulars of Indentured Immigrant absconded.

Name.	Regd. No.	Sex.	Ship.	Date Indentured.	Age.	Height.	Caste.	Complexion.	Date of absconding.	General Remarks.

Manager.

To the Protector of Immigrants,
Port-of-Spain.

FORM No. 31. Section 144.

Register of Absences on Leave.

No.....
Name .....
Sex.....
No., Ship, and Year of Arrival.....
Number of days' leave.....

§ No. plantation. 18 .
The Immigrant
male, No. ex 18 indentured
to plantation has this day been granted
leave of absence for day
(Signed.)
Manager.

FORM No. 32. Section 144.

Register of Desertions.

No.	Name of Deserter.	Sex.	Country.	No. of Ship and Year of Arrival.	Date when last seen on the Plantation.	Where supposed to be.	Remarks.

FORM No. 33. Section 150.

Certificate of Return of Indentured Immigrant to Plantation.

This is to certify that the Indentured Immigrant male, No. ex 18 was this day brought to this plantation by police constable No. at o'clock, m.

Dated this day of 18

(Signed.)
Manager of Plantation.

FORM No. 34. Section 152

Complaint against an Habitual Idler.

TRINIDAD.

The complaint of the Manager of plantation in the district, in the County of taken [*on oath*] before me, the undersigned Stipendiary Magistrate for the said district, who saith that the Immigrant male years on arrival, No. ex 18 being then under indenture on the said plantation, was absent from work on the said plantation without lawful excuse on days in the month of of 18 [*or* in the two consecutive months of and 18 [namely, on the by means whereof the said has become an Habitual Idler, contrary to the form of the Ordinance in such case made and provided.

(Signed.)
Manager of Plantation.

Taken [*and sworn*] before me this day of 18 at

(Signed.)
Stipendiary Magistrate.

Section 154.

FORM NO. 35.

Register of Defaulters.

Desertion.					Imprisonment.					Unlawful absence.				
Name and Description of Immigrant.	Year.	From.	To.	Number of Days.	Name and Description of Immigrant.	Year.	From.	To.	Number of Days.	Name and Description of Immigrant.	Year.	From.	To.	Number of Days.

FORM NO. 36.—SECTIONS 159 AND 166.

THE IMMIGRATION ORDINANCE, 1899.

MARRIAGES REGISTERED UNDER THE ORDINANCE.

Entry of Marriage.

Consecutive Number.	Name and Address of the Bridegroom.	Name and Address of the Bride.	Whether the Bride is a Spinster, Widow or Divorced, and whether she is adult or not.	* Name and Address of the Guardian of the Bridegroom and his relationship to the Bridegroom (if any).	† Name and Address of the Guardian of the Bride and his relationship to the Bride (if any).	Date of the Marriage.	Special conditions (if any).	House, Estate, or other place and Ward in which the marriage took place	Date of Registration.

* This Column will be blank if the Bridegroom is not represented by a Guardian.

† This Column will be blank if the Bride is not represented by a Guardian.

FORM NO. 37.—SECTIONS 159 AND 167.

THE IMMIGRATION ORDNANCE, 1899.

DIVORCES REGISTERED UNDER THE ORDINANCE.

Entry of Divorce.

Consecutive Number.	Name and Address of husband.	Name and Address of wife.	Date of Divorce.	Description of Divorce.	Manner in which the divorce was effected.	House, Estate or other place and Ward in which the divorce took place.	Names and Addresses of witnesses to the divorce (if any).	Names and Addresses of the witnesses identifying the party or parties by whom the divorce was effected.	Date of Registration.

FORM NO. 38.

THE IMMIGRATION ORDINANCE, 1899. Section 167.

[*Declaration of Witnesses to a Divorce.*]

We, *A.B.*, of &c., and *C.D.*, of &c., severally declare as follows :—

1. Each of us is of the same religion and subject to the same personal law as *E.F.* of &c., and *G.H.* of &c., both of whom are now present, that is to say [of the Shiah sect of Mohamedans and subject to the personal law imposed by the religion of such sect].

2. We were present on the day of at when a divorce between the said *E.F.* and *G.H.* was effected in the following manner (that is to say) [*describe manner of effecting divorce*] and we severally say that such divorce was well and truly effected according to the religion and personal law [of the Shiah sect of Mahomedans].

3. We are aware that if the statements made by us respectively are false and if in making such statements we either know or believe them to be false or do not believe them to be true we are liable to imprisonment.

A.B.
C.D.

before me,

E.H.F.,

Registrar of the District of

FORM NO. 39.

THE IMMIGRATION ORDINANCE, 1899. Section 169.

[*Declaration of Marriage by two Immigrants on arrival.*]

We, *A.B.* and *C.D.*, declare that :—

1. We profess the [*Hindu*] religion and were before our embarkation duly married in manner sanctioned by that religion at [Agra in British India] [*or*, and were during our voyage to this Colony duly married in manner sanctioned by that religion].

2. We are aware that if any statement made by us respectively in this declaration is false, and if in making such statement we either know or believe it to be false, or do not believe it to be true we are liable to imprisonment.

A.B.

C.D.

Before me,

H.M.

Protector of Immigrants.

Section 209.

FORM NO. 40.

Certificate of Exemption from Labour.

TRINIDAD,

I hereby certify that the undermentioned Immigrant has completed term of service under indenture on plantation

Name of Immigrant	
Father's Name	
Sex	
Age on Arrival...	
Height	
No., Ship, and Year of Arrival	
Date of Indenture	
Bodily Marks	
Number of Certificate	
Date of Issue	

Dated this day of 18 .

(Signed.)

Protector of Immigrants.

Section 210.

FORM NO. 41.

Provisional Certificate.

TRINIDAD,

Estate,

18

I certify that the Immigrant No. who was indentured to this estate on the day of 18 ex the Ship has completed term of service.

Employer or Manager

FORM No. 42. Section 212.

Passport.

TRINIDAD.

Immigration Office,

No. *Port-of-Spain,* 18

PERMISSION is hereby granted to the undermentioned Immigrant to leave this Colony within fourteen days from the date hereof.

Name	
Father's Name	
Sex...	
Age on Arrival...	
Height	
No., Ship, and Year of Arrival	
Bodily Marks	
Plantation to which last indentured ...	

(Signed.)

Protector of Immigrants.

FORM No. 43. Section 212.

Register of Passports.

No.	Date of Passport.	Name of Immigrant.	Sex.	Age on Arrival.	No., Ship, and Year of Arrival.	Plantation to which last indentured.	Date of Notice of intention to leave the Colony.	Ship in which sailed.	Date of Departure.	Destination.	Remarks

Section 215.

FORM NO. 44.

Complaint against Owner, etc., of Ship for receiving Immigrant who had no Passport.

TRINIDAD.

The complaint of taken [*on oath*] before me, the undersigned Stipendiary Magistrate for the district in the County of who saith that being the then owner [*or* master *or* person in charge] of a certain ship called the then lying at in the County aforesaid, did, on the day of 18 receive [*or* harbour] on board the said ship [*or here state where*] Immigrant, who [*or* each of whom] had not then obtained a passport [*or* whose passport had expired] with intent in so doing to carry such Immigrant out of the said Colony, contrary to the form of the Ordinance in such case made and provided.

(Signed.)

Taken [*and sworn*] before me this day of 18 at

(Signed.)

Stipendiary Magistrate.

Section 226.

FORM NO. 45.

Register of Births on Plantation.

Name.	Sex.	Date of Birth.	Description of Father.			Description of Mother.		
			Name.	Country.	No., Ship, and Year of Arrival.	Name.	Country.	No., Ship, and Year of Arrival.

FORM NO. 46. Section 226.

Register of Deaths on Plantation

Name of Deceased.	Sex.	Age at time of Death.	Country.	No., Ship, and Year of Arrival.	Date of Death.	Cause of Death.	Remarks.

FORM NO. 47. Section 242.

Recognizance in case of Appeal.

TRINIDAD.

Be it remembered that on the day of in the year of our Lord one thousand hundred and the Immigrant male, No. ex 18 came before the undersigned one of Majesty's Stipendiary Magistrates for in the said Colony, and acknowledged himself to owe to our Sovereign Lady the Queen the sum of Twenty Pounds, to be made and levied of his movable and immovable property, to the use of our said Lady the Queen, her heirs and successors, if he, the said fail in the condition indorsed,

Taken and acknowledged the day and year first above mentioned.

(Signed.)

Stipendiary Magistrate.

Condition.

The condition of the within written recognizance is such that whereas the said was convicted before for that he and was hereupon sentenced by the said to be and whereas the Protector having, on behalf of the said made application for an appeal from the said conviction, the said is entitled to be released pending the determination of such application, if therefore the said conviction shall be confirmed and the said shall surrender himself into the custody of the keeper of the Gaol at in the County of and thereafter suffer the said imprisonment for his said offence, then this recognizance to be void or else to stand in full force.

FORM NO. 48. Section 245.

Certificate of Conviction of Indentured Immigrant by the Magistrate.

TRINIDAD.

This is to certify that the Immigrant male, No. ex 18 under indenture on plantation in the district in the County of was on the day of 18 convicted of and was thereupon sentenced to

[*If to pay a fine add,* which said fine was thereupon paid, *or,* was not paid and the said Immigrant was thereupon committed in default, *as the case may be.*]

If the Immigrant was detained in custody before conviction, add, And that the said was detained in custody for day before his conviction while awaiting his trial.]

If the offence is desertion add also, This is to certify further that the said so convicted of desertion as aforesaid, was proved to have first quitted the said plantation on the day of 18 and that the charge for such desertion was preferred against the said Immigrant on the day of 18

Dated this day of 18

(Signed.)

Stipendiary Magistrate.

N.B.—Where the Immigrant at once pays the fine imposed, there is no necessity for his certificate, unless he has been detained in custody awaiting his trial, or is a deserter.

Section 246.

FORM NO. 49.

Certificate of Reference of Indentured Immigrant for Trial.

TRINIDAD.

This is to certify that the Immigrant male, No. ex 18 under indenture on plantation in the County of accused of was on the day of 18 referred for trial at the Session of the Supreme Court to be held on the day of 18 and that the said Immigrant has been in custody in respect of the said charge for days [*or* and that he was admitted to bail on the day of 18 *as the case may be*].

Dated this day of 18

(Signed.)

Stipendiary Magistrate.

Section 247.

FORM NO. 50.

Certificate of Conviction of Indentured Immigrant by the Supreme Court.

TRINIDAD.

This is to certify that male, the person mentioned and described in the certificate of Esquire, Stipendiary Justice of the Peace, dated the day of 18 . as the Immigrant male, No. ex 18 under indenture on plantation in the County of was on the day of 18 convicted by the Supreme Court, and sentenced to be imprisoned with (or without) hard labour for [*and if admitted to bail for any cause, add,*] and that the said was on bail from the day of 18 to the day of 18

Dated this day of 18

(Signed.)

Registrar [or Clerk of Court.]

FORM NO. 51. Section 248.

Register of Property of Deceased Immigrants.

No.	L. P. No.	Description of Deceased.						Description of	
		Name.	Sex.	Age.	No., Ship, and Year of Arrival.	Date of Death.	Place of Death.	Name.	No., Ship, and Year of Arrival.

Heirs.		Nature of Property and Value.	How realised.	How disposed of.
Relationship.	Residence.			

Section 253.

FORM No. 52.

Certificate of Training School.

I Governor of the Island of Trinidad, in pursuance of the provisions of the Immigration Ordinance, 1899, do hereby certify that the school known as and situate at for the education and industrial training of the children of Indian Immigrants, is efficient for its purposes.

Dated this day of 18 .

Section 256.

FORM No. 53.

Complaint of enticing or harbouring Child from Training School.

TRINIDAD. COUNTY OF

A. B. informs the undersigned Stipendiary Justice of the Peace that C. D. of did on the day of [knowingly entice to abscond from the Training School one] [*or* knowingly harbour one who had absconded from the Training School, contrary to the provisions of the Immigration Ordinance, 1899.

(Signed.)

A.B.

Before me,

X. Y.,

S.J.P.

Section 257.

FORM No. 54.

Warrant to Search for Absconding Child.

TRINIDAD. COUNTY OF

To A B., Police Constable.

Whereas it has been made to appear to me that one being a child liable to be retained at the Training School is detained or harboured by one of

Now I, , Stipendiary Justice of the Peace, do hereby direct you and all other persons acting in your aid to enter into the premises situate at (where such child is suspected to be) and deliver such child to , the Manager of the Training School, and for so doing this shall be your warrant.

Given under my hand at , this day of , 18 .

(Signed)

X. Y.,
S.J.P.

Section 259.

FORM No. 55.

Indenture of Apprenticeship.

TRINIDAD.

KNOW ALL MEN by these presents that I, , Governor of this Island of Trinidad, by virtue of the power in me vested by "The Immigration Ordinance, 1899," do by these presents, apprentice , a child of Indian Immigrants who has been trained at the Indian Tacarigua School called "The Tacarigua Orphan Home" unto as a for the term of years from this day determinable on the day of when the said will attain the age of eighteen years, or upon her marriage under that age. The said is to provide the said with good and sufficient Lodging, Food and Clothing and Medical care and attendance when ill, and with Religious Instruction in the Faith in which the said has been brought up.

Dated at this day of in the year A D., 18 .

(Signed.)

A.B.,
Governor.

FORM NO. 56. Section 262.

Register of Orphans.

No.	Name.	Sex.	Age.	No., Ship, and Year of Arrival.	Father.	
					Name.	No., Ship, and Year of Arrival.

Mother.		Guardian.		Date of Adoption.	Remarks.
Name.	No., Ship, and Year of Arrival.	Name.	Residence.		

Digitized with financial assistance from
Shri Brihad Bhartiya Samaj
on 31 October, 2019

FORM No. 27.

Register of Children in Training Schools and Apprenticed.

No.	Name.	Sex.	Age.	No., Ship, and Year of Arrival.	Father.		Mother.		Training School or name of person to whom apprenticed.	Date of Order or of Indenture.	Remarks.
					Name.	No., Ship, and Year of Arrival.	Name.	No., Ship, and Year of Arrival.			

THE SECOND SCHEDULE.

TABLE OF ENACTMENTS REPEALED.

No. and Year of Ordinance.	Title or Short Title of Ordinance.	Extent of Repeal.
12—1897...	"The Immigration Ordinance, 1896"	The Whole.
15—1897...	An Ordinance to amend "The Immigration Ordinance, 1896."	Do.
24—1897...	"The Immigration (Amendment) Ordinance, 1897."	Do.
16—1898...	"The Immigrants Return Passage Ordinance, 1898."	Do.